

## MANUFACTURED HOUSING – ALTERNATIVE EVIDENCE OF REAL PROPERTY STATUS

Federal Housing Finance Agency (FHFA) regulations permit FHLBank Atlanta to accept as collateral residential loans secured by manufactured homes<sup>1</sup>, but only if applicable state law defines the purchase or holding of such manufactured housing as the purchase or holding of real property<sup>2</sup> (the real property requirement). FHLBank Atlanta meets the FHFA requirement by requiring a shareholder, as a condition to pledging mortgage loans secured by manufactured housing units, to demonstrate compliance with the real property requirement through either (a) an ALTA form 7 endorsement to a title insurance policy, (b) an acceptable legal opinion stating that the manufactured home has been converted to real property, or (c) other evidence acceptable to FHLBank Atlanta that demonstrates that the manufactured home has been converted to real property.

The chart below suggests, for each of the seven states within FHLBank Atlanta’s district, what -- in the absence of a title endorsement or legal opinion -- will constitute acceptable evidence of compliance with the real property requirement in each state. Please note that tax assessment forms or appraisals that identify the property as “real estate” are not sufficient evidence to document real property. However, in the state of Florida, if the tax assessment clearly evidences the Real Property (RP) decal, then FHLBank Atlanta will accept this as proof that the manufactured home has been converted to real property. Each manufactured housing unit must have a separate decal (e.g. doublewide manufactured homes must have two decals).<sup>3</sup> FHLBank Atlanta reserves the right to amend such standards at FHLBank Atlanta’s discretion from time to time without prior notice to shareholders.

FHLBank Atlanta is offering this chart to aid shareholders in fulfilling their obligations under the Credit and Collateral Policy to ensure that manufactured housing mortgages meet the Real Property Requirement. Whether or not they use this information in originating manufactured housing loans, shareholders remain responsible for all representations and warranties contained in the Advances and Security Agreement, including representations that mortgages pledged as Qualifying Collateral must constitute a lien on real property under applicable law.

---

<sup>1</sup> “[M]anufactured home’ means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein...” 42 U.S.C. § 5402(6).

<sup>2</sup> 12 C.F.R. § 1266.7(a)(1)(i).

<sup>3</sup> If the manufactured housing unit is a double- or triple-wide, then typically each of these documentation items would need to be obtained for each section of the unit.

STATE	WHAT DOCUMENTS NEED TO BE IN THE LOAN FILE?*	STATE CODE PROVISIONS & FORM WEBSITES
<p><b>ALABAMA</b></p>	<ul style="list-style-type: none"> <li>• A copy of the completed “Notice of Cancellation of a Certificate of Origin or Alabama Certificate of Title for a Manufactured Home Classified as Real Property” (Form MVT –39E) prepared by the Alabama Department of Revenue, Motor Vehicle Divisions (or one of its designated agents for this purpose, which may include a judge of probate, commissioner of licenses, director of revenue or other county official in Alabama authorized to issue motor vehicle license tags, or a licensed manufactured home dealer), together with all of the documents required to be submitted with that application (including, without limitation, the Certificate of Title). <b>The form is only available by visiting a designated agent of the Department of Revenue. The MVT 5-39E must be signed by the judge of probate (or his/her designee) in the county where the manufactured home is located attesting to the fact that the manufactured home has been recorded in that office as real property.</b></li> <li>• A copy of the transaction history print-out for the manufactured home from the Department of Revenue confirming receipt and acceptance of the above application and cancellation of the Certificate of Title.</li> </ul>	<ul style="list-style-type: none"> <li>• § 32-20-2</li> <li>• § 32-20-20</li> <li>• Further information <i>available at:</i>   <a href="http://revenue.alabama.gov/motorvehicle/mvrules/57566.pdf">http://revenue.alabama.gov/motorvehicle/mvrules/57566.pdf</a> </li> </ul>

STATE	WHAT DOCUMENTS NEED TO BE IN THE LOAN FILE?*	STATE CODE PROVISIONS & FORM WEBSITES
<p><b>FLORIDA</b></p>	<ul style="list-style-type: none"> <li>• A copy of the completed Application for Retirement of a Mobile Home Certificate of Title (Form DHSMV 82109) submitted to the Florida Department of Highway Safety and Motor Vehicles (or its appointed agents, which may include the appropriate tax collector's office or license plate agency), together with all of the documents required to be submitted with that application (including, without limitation, a file-stamped copy of the Certificate of Title recorded with the Clerk of the Court in the county in which the land is located).</li> <li>• A copy of a letter from the Florida Department of Highway Safety and Motor Vehicles acknowledging receipt of the above application(s) and confirming that the Certificate of Title has been retired.</li> <li>• Evidence that the homeowner has obtained a Real Property (RP) number from the county's Property Appraiser Office. FHLBank Atlanta (Bank) will accept the presence of the RP number on the manufactured home's tax assessment in the state of Florida. The RP number is given to the borrower/owner only after the manufactured home has been converted to real property and is considered to be sufficient evidence of conversion. The Bank will also accept other evidence (such as an affidavit from the homeowner) that the homeowner has obtained a Real Property (RP) decal from their county's Property Appraiser Office and affixed the sticker to the unit. "RP" decals are permanent and have no expiration date. Owners must obtain a form DR-402 from the Property Appraiser Office by showing that the land and the mobile home are in the same name before an "RP" decal can be issued. "RP" decals are transferable to the purchaser upon the sale of the land and the mobile home as a unit.</li> </ul>	<ul style="list-style-type: none"> <li>• § 320.01(2)</li> <li>• § 320.015</li> <li>• § 320.0815</li> <li>• For Form DHSMV 82109, visit: <a href="https://www.flhsmv.gov/dmv/forms/BTR/82109.pdf">https://www.flhsmv.gov/dmv/forms/BTR/82109.pdf</a></li> </ul> <p>or select form 82109 from the list</p> <p><a href="https://www.flhsmv.gov/resources/forms/all-forms/">https://www.flhsmv.gov/resources/forms/all-forms/</a></p> <ul style="list-style-type: none"> <li>• For Form DR-402, Declaration of Mobile Home as Real Property, visit <a href="http://dor.myflorida.com/dor/forms/">http://dor.myflorida.com/dor/forms/</a> and scroll to Property Tax (Ad Valorem Tax) and select Form # DR-402</li> </ul>
<p><b>GEORGIA</b></p>	<ul style="list-style-type: none"> <li>• A copy of a confirmation from the state revenue commissioner or authorized county tax commissioner that a certified copy of the Certificate of Permanent Location has been filed and that the Certificate of Title has been surrendered, or</li> <li>• For a manufactured home which has not been issued a certificate of title from the state revenue commissioner or authorized county tax commissioner and which was sold on or after July 1, 2006, evidence of proper filing of a Certificate of Permanent Location with the clerk of superior court of the county where the real property is located.</li> </ul>	<ul style="list-style-type: none"> <li>• § 8-2-181 Form(s) &amp; further information available at: <a href="https://dor.georgia.gov/sites/dor.georgia.gov/files/related_files/document/MVD/Form/MV_Manufactured_Home_Permanent_Location_Certificate_Form_T234_0.pdf">https://dor.georgia.gov/sites/dor.georgia.gov/files/related_files/document/MVD/Form/MV_Manufactured_Home_Permanent_Location_Certificate_Form_T234_0.pdf</a></li> </ul>

STATE	WHAT DOCUMENTS NEED TO BE IN THE LOAN FILE?*	STATE CODE PROVISIONS & FORM WEBSITES
<p><b>MARYLAND</b></p>	<ul style="list-style-type: none"> <li>Evidence that it is used or can be used for residential purposes, that the manufactured housing unit is in excess of 35 feet long and is permanently affixed to the land (i.e., the axels, wheels, and tow bar have been removed from the frame of the unit; the unit is sitting on a permanent foundation; there has been landscaping work done, there are additions and porches, the unit is permanently connected to electric and either public water and/or sewer services or a well and/or septic system). This evidence may be in the form of a homeowner's affidavit, physical evidence or an appraisal of the property.</li> <li>Please note that if the manufactured housing unit is unoccupied and for sale or is located temporarily in a rented space in a trailer park or mobile home court, it may not be assessed as real property.</li> </ul>	<ul style="list-style-type: none"> <li>§ 8-234</li> <li>Form(s) &amp; further information <i>available at:</i>  <a href="http://dat.maryland.gov/SDAT%20Forms/petitnrv.pdf">http://dat.maryland.gov/SDAT%20Forms/petitnrv.pdf</a> </li> </ul>
<p><b>NORTH CAROLINA</b></p>	<ul style="list-style-type: none"> <li>A file-stamped copy of the Affidavit for Removal of Manufactured Home from Vehicle Registration Files, recorded in the Office of the Register of Deeds of the county in which the land is located. The Affidavit must contain a notation from the North Carolina Division of Motor Vehicles indicating that the certificate of title was surrendered and has been cancelled by the DMV. If a security interest has been recorded on the certificate of title and not released by the secured party, the Division may not cancel the title without written consent from all secured parties.</li> <li>The manufactured housing unit must be a residential structure, must have the moving hitch, wheels, and axles removed, and must be placed upon a permanent foundation either on land owned by the owner of the manufactured home or on land in which the owner of the manufactured home has a leasehold interest pursuant to a lease with a primary term of at least 20 years and the lease expressly provides for disposition of the manufactured home upon termination of the lease.</li> <li>A manufactured home may be treated as real property if a Declaration of Intent to Affix the Manufactured Home to Real Property is recorded in the office of the register of deeds of the county where the property is located. The manufactured home must (1) never have been titled by the Division of Motor Vehicles, or (2) the title to the home was surrendered and cancelled by the DMV prior to January 1, 2002. Once the Declaration of Intent is filed, the manufactured home becomes real property. Any lien on the manufactured home will be perfected and have priority in the manner provided for a lien on real property.</li> </ul>	<ul style="list-style-type: none"> <li>§ 105-273(13)</li> <li>§ 20-109.2 (as amended under H.B. 410)</li> <li>§ 143-143.9(6)</li> <li>Form(s) &amp; further information <i>available at:</i>  <a href="http://www.ncdot.gov/download/dmv/vr_mvr46g.pdf">http://www.ncdot.gov/download/dmv/vr_mvr46g.pdf</a>   <a href="https://www.invtitle.com/docs/forms/nc/Declaration%20of%20Intent%20(NC).pdf">https://www.invtitle.com/docs/forms/nc/Declaration%20of%20Intent%20(NC).pdf</a> </li> <li>§ 47-20.7   <a href="http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_47/GS_47-20.7.pdf">http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_47/GS_47-20.7.pdf</a> </li> </ul>

STATE	WHAT DOCUMENTS NEED TO BE IN THE LOAN FILE?*	STATE CODE PROVISIONS & FORM WEBSITES
<p><b>SOUTH CAROLINA</b></p>	<ul style="list-style-type: none"> <li>• To affix a manufactured housing unit to real property, the unit must be installed in accordance with the required installation standards, the wheels, axles, and towing hitch must be removed, and a Manufactured Home Affidavit for the Retirement of Title Certificate must be filed along with proof of ownership and payment of a filing fee.</li> <li>• A copy of the completed Manufactured Home Affidavit for the Retirement of Title Certificate submitted to the South Carolina Department of Motor Vehicles (which must have been previously recorded with the local Register of Deeds or Clerk of the Court), together with all of the documents required to be submitted with that affidavit (including, without limitation, the Certificate of Title). The register of deeds or clerk of court must record the affidavit as if it were a deed to real property with the homeowner being identified as grantor and give notification to the county assessor.</li> <li>• A copy of a confirmation from the South Carolina Department of Motor Vehicles acknowledging receipt of the above documents and confirming that the Certificate of Title has been retired.</li> </ul>	<ul style="list-style-type: none"> <li>• § 56-19-510</li> <li>• Form(s) &amp; further information <i>available at:</i>  <a href="http://www.scdmvonline.com/DMVNew/default.aspx?n=manufactured_home_titling">http://www.scdmvonline.com/DMVNew/default.aspx?n=manufactured_home_titling</a></li> </ul>
<p><b>VIRGINIA</b></p>	<ul style="list-style-type: none"> <li>• The Virginia title must be surrendered to the Department of Motor Vehicles and a photocopy of the title being surrendered must be obtained. Once the Virginia title is cancelled, DMV reports the title cancellation to the Commissioner of the Revenue (COR) in the appropriate locality.</li> </ul>	<ul style="list-style-type: none"> <li>• § 46.2-653</li> <li>• Form(s) &amp; further information <i>available at:</i>  <a href="http://www.dmv.virginia.gov/webdoc/citizen/vehicles/mobile.asp">http://www.dmv.virginia.gov/webdoc/citizen/vehicles/mobile.asp</a></li> </ul>