

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1219

Introduced by

Representatives D. Ruby, Kasper, Nathe, Toman

Senators Campbell, Klein

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

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

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

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

15 **47-01-03. Real property defined.**

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

- 17 1. Land;
- 18 2. That which is affixed to land, including manufactured homes as defined in section
19 41-09-02 with respect to which the requirements of ~~subsections 1 through~~
20 ~~3~~subsection 6 of section ~~39-05-35, as applicable,~~47-10-27 have been satisfied;
- 21 3. That which is incidental or appurtenant to land; and
- 22 4. That which is immovable by law.

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

1 1. For purposes of this section, "manufactured home" means a manufactured home as
2 defined in section 41-09-02. Notwithstanding this definition, for purposes of 11 U.S.C.
3 1322(b)(2), a manufactured home is deemed real property. For purposes of this
4 section, a manufactured home is permanently affixed if the manufactured home is
5 anchored~~affixed~~ to real property ~~by attachment to a permanent foundation;~~
6 ~~constructed in accordance with applicable state and local building codes and~~
7 ~~manufacturer's specifications as provided in title 24, Code of Federal Regulations,~~
8 ~~part 3285;~~ and connected to residential utilities, such as water, gas, electricity, or
9 sewer or septic service.

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

12 7. Upon the satisfaction of the requirements of subsection 6, the manufactured home is
13 deemed to be real property; any mortgage, deed of trust, lien, or security interest
14 ~~which that~~ can attach to land, buildings erected ~~thereon~~ on the land, or fixtures affixed
15 ~~thereto~~ to the land attach as of the date of its recording in the same manner as if the
16 manufactured home were built from ordinary building materials onsite. Title to the
17 manufactured home must be transferred by deed or other form of conveyance that is
18 effective to transfer an interest in real property, together with the land to which the
19 structure has been affixed. The manufactured home is deemed to be real property and
20 is governed by the laws applicable to real property and the department of
21 transportation has no further authority or jurisdiction over the conveyance or
22 encumbrance of the manufactured home.

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

25 8. Except as provided in subsections 2, 3, 5, 6, and 7, an affidavit of affixation is not
26 necessary or effective to convey or encumber a manufactured home or to change the
27 character of the manufactured home to real property. ~~A conveyance of land upon~~
28 ~~which is located a manufactured home for which an affidavit of affixation has been~~
29 ~~recorded does not effect a conveyance or encumbrance of any interest in the~~
30 ~~manufactured home. A conveyance or encumbrance may only be made under the~~
31 ~~provisions of chapter 39-05. An agreement by a party to the transaction whereby~~ by

Sixty-fifth
Legislative Assembly

- 1 which the requirements of this subsection are waived is void as contrary to public
- 2 policy.