

House Bill 377

By: Representatives Leverett of the 123rd, Burchett of the 176th, Bonner of the 73rd, Wade of the 9th, 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 limited exceptions to circumstances under which a manufactured home shall
4 become real property; to provide for preservation of rights and remedies of prior holders of
5 a lien or security interest in certain manufactured homes; to provide for notice and
6 application requirements; to provide for related matters; to provide for an effective date and
7 applicability; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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15 "8-2-181.

16 (a) Except as provided in ~~Subpart 1A of this part~~ subsections (c) through (f) of Code
17 Section 8-2-183 and Code Section 8-2-183.1, a manufactured home shall constitute
18 personal property and shall be subject to the 'Motor Vehicle Certificate of Title Act,'
19 Chapter 3 of Title 40, until such time as the home is converted to real property as provided
20 for in this part ~~or as provided in Subpart 1A of this part~~.

21 (b) Except as otherwise provided in this subpart, a ~~A~~ manufactured home shall become
22 real property if:

23 (1) The home is or is to be permanently affixed on real property and one or more persons
24 with an ownership interest in the home also has an ownership interest in such real
25 property; and

26 (2) The owner of the home ~~and the holders of all security interests therein execute and~~
27 ~~file~~ executes and files a Certificate of Permanent Location:

28 (A) In the real estate records of the county where the real property is located; and

29 (B) With the commissioner.

30 (c) The Certificate of Permanent Location shall be in a form prescribed by the
31 commissioner and shall include:

32 (1) The name and address of the owner of the home;

33 (2) The names and addresses of the holders of any security interest in and of any lien
34 upon the home;

35 (3) The title number assigned to the home;

36 (4) A description of the real estate on which the home is or is to be located, including the
37 name of the owner and a reference by deed book and page number to the chain of title of
38 such real property; and

39 (5) Any other data the commissioner prescribes."

40

SECTION 2.

41 Said subpart is further amended by revising Code Section 8-2-182, relating to recording of
42 Certificate of Permanent Location, responsibilities of commissioner, and notification to tax
43 assessors, as follows:

44 "8-2-182.

45 (a) When a Certificate of Permanent Location is properly filed with the clerk of superior
46 court, the clerk shall record such certificate in the same manner as other instruments
47 affecting the real property described in the Certificate of Permanent Location and shall
48 charge and collect the fees usually charged for recording deeds and other instruments
49 relating to real estate. Such certificate shall be indexed under the name of the current
50 owner of the real property in both the grantor and grantee indexes. The clerk shall provide
51 the owner with a certified copy of the Certificate of Permanent Location, reflecting its
52 filing, and shall charge and collect the fees usually charged for the provision of certified
53 copies of documents relating to real estate.

54 (b) Upon receipt of a certified copy of a properly executed Certificate of Permanent
55 Location, along with the certificate of title, the commissioner shall file and retain a copy
56 of such Certificate of Permanent Location together with all other prior title records related
57 to the home. When a properly executed Certificate of Permanent Location has once been
58 filed, the commissioner shall accept no further title filings with respect to that home, except
59 as may be necessary to correct any errors in the department's records and except as
60 provided in subsections (d) and (e) of Code Section 20-2-183 and Subparts 2 and 3 of this
61 part.

62 (c) When a Certificate of Permanent Location is so filed, the commissioner shall ~~issue:~~

63 (1) Issue to the clerk of the superior court with whom the original Certificate of
64 Permanent Location was filed confirmation by the commissioner that the Certificate of
65 Permanent Location has been so filed and the certificate of title has been surrendered; and

66 (2) Notify the holders of all security interests listed on the Certificate of Permanent
67 Location or otherwise listed in the commissioner's records that a Certificate of Permanent
68 Location has been filed and the certificate of title has been surrendered. Such notification
69 shall be in writing and sent to each holder of a security interest at the address shown on
70 the certificate of title or otherwise listed in the commissioner's records.

71 (d) Upon receipt of confirmation of the filing of the Certificate of Permanent Location
72 from the commissioner, the clerk of superior court shall provide a copy of the Certificate
73 of Permanent Location to the appropriate board of tax assessors or such other local official
74 as is responsible for the valuation of real property."

75 **SECTION 3.**

76 Said subpart is further amended by revising Code Section 8-2-183, relating to status of home
77 as part of real property, as follows:

78 "8-2-183.

79 (a) When a Certificate of Permanent Location has been properly filed with the clerk of
80 superior court, a certified copy of the Certificate of Permanent Location is properly filed
81 with the commissioner, and the certificate of title is surrendered, the home shall become
82 for all legal purposes a part of the real property on which it is located. Without limiting the
83 generality of the foregoing, the home shall be subject to transfer by the owner of the real
84 property, subject to any security interest in the real property and subject to foreclosure of
85 any such interest, in the same manner as and together with the underlying real property.

86 (b) When a home has become a part of the real property as provided in this part, it shall
87 be unlawful for any person to remove such home from the real property except with the
88 written consent of the owner of the real property and the holders of all security interests in
89 the real property and in strict compliance with the requirements of Subpart 2 of this part.
90 Any person who violates this subsection shall be guilty of a misdemeanor of a high and
91 aggravated nature.

92 (c) Notwithstanding subsections (a) and (b) of this Code Section or any other provision of
93 law to the contrary, the filing of a Certificate of Permanent Location with the clerk of the
94 superior court, the filing of a certified copy of the Certificate of Permanent Location with
95 the commissioner, and the surrender of a certificate of title as provided in this subpart shall
96 not impair the rights and remedies of a prior holder of a lien or security interest in a home
97 until such lien or security interest has been paid off or satisfied. Such prior holder shall
98 continue to have all rights and remedies provided by law and by contract in such home as
99 if such home is classified as personal property and shall continue to have priority in such
100 home, including the same priority against encumbrancers or owners of the real property
101 that such prior holder had when such home was classified as personal property. A prior
102 holder exercising such personal property rights and remedies as described in this subsection
103 may remove the home from the real property where it is located without the prior written
104 consent of the owner of such real property or the written consent of the holders of security
105 interests in such real property and without complying with the requirements of Subpart 2
106 of this part.

107 (d) Notwithstanding any other provision of law to the contrary, a holder of a lien or
108 security interest in a home exercising personal property remedies as described in subsection
109 (c) of this Code section may apply for a certificate of title in such home as provided in
110 subsection (a) of Code Section 40-3-34, except the last certificate of title shall not be
111 required in connection with such application. The commissioner or the commissioner's
112 duly authorized county tag agent shall issue a new certificate of title to such holder making
113 an application as provided in Code Section 40-3-35, and such home shall be treated as
114 personal property for all purposes until later converted to real property as provided for in
115 this subpart.

116 (e) Notwithstanding any other provision of law to the contrary, a transferee acquiring a
117 home from a holder of a lien or security interest in such home exercising personal property
118 remedies as described in subsection (c) of this Code section may apply for a certificate of

119 title in such home, as provided in subsection (b) of Code Section 40-3-34, except the last
120 certificate of title shall not be required in connection with such application. The
121 commissioner or the commissioner's duly authorized county tag agent shall issue a new
122 certificate of title to the person making such application as provided in Code
123 Section 40-3-35, and such home shall be treated as personal property for all purposes until
124 later converted to real property as provided for in this subpart.
125 (f) Notwithstanding subsections (a) and (b) of this Code Section or any other provision of
126 law to the contrary, the filing of a Certificate of Permanent Location with the clerk of the
127 superior court, the filing of a certified copy of the Certificate of Permanent Location with
128 the commissioner, and the surrender of a certificate of title under this subpart shall not
129 impose additional licensing, affirmative conduct, or prohibited acts on the holder of a
130 personal property lien or security interest on a home or such holder's service providers or
131 agents."

132 **SECTION 4.**

133 This Act shall become effective on July 1, 2025, and shall apply to all contracts entered into
134 on or after such date.

135 **SECTION 5.**

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