

Senate Bill 119

By: Senators Goodman of the 8th, Watson of the 11th, Hatchett of the 50th, Jones II of the 22nd, Summers of the 13th and others

**AS PASSED SENATE**

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.