

1 AN ACT relating to manufactured housing.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) The owner of a manufactured home that has been converted to real estate in*  
6 *accordance with KRS 186A.297 may detach or sever the home from the real*  
7 *property only by filing an affidavit of severance with the clerk of the county in*  
8 *which the affidavit of conversion originally took place and in which the real*  
9 *estate is located. The affidavit of severance shall include the following*  
10 *information:*

11 *(a) The manufacturer and, if applicable, the model name of the manufactured*  
12 *home;*

13 *(b) The legal description of the real property on which the manufactured home*  
14 *is or was placed;*

15 *(c) A Class B1 or B2 Seal as required under KRS 227.600;*

16 *(d) Certification of an attorney or title abstractor that there are no security*  
17 *interests or liens in the manufactured home or real estate that have not*  
18 *been released by the secured party, or certification of any holder of a*  
19 *security interest in the manufactured home or real estate of the secured*  
20 *party's consent to issuance of a title. The certification shall be dated ninety*  
21 *(90) days or less from the date the affidavit of severance is presented to the*  
22 *clerk;*

23 *(e) The homeowner's statement that the manufactured home has been or will*  
24 *be removed from the real property; and*

25 *(f) There shall be a limit of one (1) affidavit of severance issued to an owner on*  
26 *a property.*

27 *For the purposes of this subsection, "owner" means a person who holds the legal*

- 1        title of a manufactured home or a person who pursuant to a bona fide sale has  
2        received physical possession of the manufactured home subject to any applicable  
3        security interest.
- 4        (2) When the county clerk files the affidavit of severance, the county clerk shall  
5        provide a copy to the property valuation administrator for adjustment of the real  
6        property tax rolls of the county.
- 7        (3) If the owner of a manufactured home fails to file an affidavit of severance prior  
8        to removal of the manufactured home he or she shall be liable for actual  
9        damages or five hundred dollars (\$500), whichever is greater, payable to any first  
10       lien holder of record, or if no such lien holder exists, to be payable to the clerk of  
11       the county in which the affidavit of conversion first took place, upon notice to the  
12       clerk that the manufactured home was not removed within ninety (90) days of the  
13       date of filing of the affidavit of severance.
- 14       (4) The county clerk shall receive a fee of eight dollars (\$8) for the service provided  
15       under this section.
- 16       (5) If the owner of the manufactured home provides inaccurate or fraudulent  
17       information to the county clerk, the clerk shall not be held liable in any  
18       subsequent action relating to the severance of the manufactured home from the  
19       real estate.