



# Fact Sheet

## Sale of Manufactured Home Parks

This fact sheet informs manufactured homeowners, manufactured homeowners' associations, and manufactured home park owners of their rights and responsibilities regarding the sale of manufactured home parks pursuant to the Housing Stability and Tenant Protection Act of 2019 (HSTPA) and Real Property Law § 233-a.

*This fact sheet does not replace or modify the laws and regulations of the State of New York.*

### Prospective Buyers' Proposed Land Use Changes and Manufactured Homeowners' Right of First Refusal

A purchaser seeking to buy a manufactured home park or the land where one is located must provide the park owner with a written letter certifying whether he/she intends to change the use of the land within five years of the sale closing. If a park owner receives a bona fide offer to purchase a manufactured home park that the park owner intends to accept, or respond to with a counter offer, the park owner must require the prospective purchaser to provide this written certification and may not accept any other offer to purchase or respond with a counter offer until the park owner has received such certification.

If a park owner takes any action to market or offer the park for sale, or receives a bona fide offer to purchase a manufactured home park that the park owner intends to accept or respond to with a counteroffer, the park owner must include a notice stating that such acceptance or counteroffer is subject to the right of the homeowners of the manufactured home park to purchase the park. Notwithstanding any other agreement or provision of law, a prospective purchaser's agreement to buy a manufactured home park is subject to the right of the homeowners of the park to purchase the park if the purchaser certifies that they intend to change the use of the land.

### Required Notification

If a manufactured home park owner receives a bona fide offer to purchase their property and intends to accept or respond with a counter offer, and the purchaser has certified that they intend to change the use of the land, the manufactured home park owner must notify the officers of the park's manufactured homeowners' association of all the terms of the offer. In the absence of a manufactured homeowners' association, the park owner must inform all manufactured homeowners. In addition, the park owner must notify the Commissioner of New York State Homes and Community Renewal. The notice must state:

- the price;
- the material terms and conditions of sale upon which such manufactured home park owner would sell the park;
- that the manufactured homeowners have the right to organize a manufactured homeowners' association or a manufactured homeowners' cooperative for the park;
- that purchase financing may be available through HCR; and
- that the manufactured homeowners' association, a cooperative, or manufactured home owners and tenants have 140 days to exercise their right to purchase the park.

# hcr.ny.gov

Visit [hcr.ny.gov/manufactured-home-park-program#overview](https://hcr.ny.gov/manufactured-home-park-program#overview), Call Toll Free 1-800-432-4210 or Email [MHP.Unit@nyshcr.org](mailto:MHP.Unit@nyshcr.org)



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### **The Right of Manufactured Homeowners to Purchase the Manufactured Home Park**

*If a manufactured homeowners' association exists at the time of the offer:* the association has the right to purchase the park, provided that the association delivers to the park owner an executed offer to purchase that meets the identical price, terms and conditions of the offer or counter offer provided in the notice and that they do so within 140 days of receiving of said notice, unless another time frame was agreed to in writing. During this time period, the park owner may not accept any other final unconditional offer to purchase the park.

*If there is no existing homeowners' association at the time of the offer:* the homeowners have the right to purchase the park provided that:

- the manufactured homeowners have the right to form a manufactured homeowners' association, whether incorporated or not;
- the homeowners' association includes at least 51% of all manufactured homeowners, having given written consent to forming the association; and
- the association has properly notified the park owner of its formation, the names and addresses of its officers, and delivered an executed offer that

meets the identical price, terms and conditions of the offer or counter offer provided in the notice within 140 days of receiving said notice, unless another time frame was agreed to in writing. During this time period, the park owner may not accept any other final unconditional offer to purchase the park.

*If the homeowners fail to form a manufactured homeowners' association, or, if upon the formation of a manufactured homeowners' association, the association does not deliver an executed offer that meets the requirements:* then, unless the park owner elects to offer the park at a price lower than the price specified in the notice, the parkowner has no further obligation to the homeowners with respect to their right to purchase the park. However, if the park owner elects to sell the park at a price lower than that specified in the notice or at terms meaningfully different from those previously presented, then the association may have an additional thirty days after receiving notice of the revised terms to deliver to the park owner an executed offer to purchase that meets the revised price, terms, and conditions as presented by the park owner.