



Operational Bulletin 2023-1

**Clarification of the Application of Real Property Law 233 in Situations where
the Number of Occupied Manufactured Homes in a Manufactured Home Park
Becomes Fewer than Three**

This Operational Bulletin is being issued pursuant to Real Property Law Section 233 governing manufactured home parks in New York State.

DHCR has not previously issued any formal directive or clarification on DHCR's policy concerning the application of Real Property Law 233 in situations where the number of occupied manufactured homes in a manufactured home park becomes fewer than three.

The issue arises when the number of occupied manufactured homes in a manufactured home park becomes fewer than three. Real Property Law 233(a)(3) defines a manufactured home park as "a contiguous parcel of privately-owned land which is used for the accommodation of three or more manufactured homes occupied for year-round living." When the number of occupied manufactured homes in a manufactured home park becomes fewer than three a manufactured home park will generally no longer remain subject to Real Property Law 233.

DHCR now clarifies that where a manufactured home park contained three or more occupied manufactured homes, thus subjecting the manufactured home park to Real Property Law 233, and subsequently the number of occupied manufactured homes becomes fewer than three, those remaining occupied manufactured homes continue to be bound by Real Property Law 233, while the occupying tenant(s) remain(s) in occupancy. Barring any legally permissible grounds for not offering a renewal lease, manufactured home tenants are entitled to renewal leases annually. See Real Property Law 233(e)(2)(i)(b).

Should an owner of a manufactured home park elect to change the use of a manufactured home park they must do so in accordance with Real Property Law 233(b)(6)(i). Where an owner of a manufactured home park properly proposes a change-in-use of the land and where the number of occupied manufactured homes becomes fewer than three, those remaining occupied manufactured homes continue to be bound by Real Property Law 233, and are protected from eviction proceedings based on a change-in-use for at least 2-years from the service of notice of the proposed change-in-use. Where no change-in-use actually occurs, those occupied manufactured homes that remain continue to be bound by Real Property Law 233, while the occupying tenant(s) remain(s) in occupancy.

Jason Pearson
Senior Vice President of Statewide Asset Management
Office of Housing Preservation