

# Fact Sheet

## Update to RPL 233-a: 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. The information contained herein does not constitute legal advice.

***These requirements are effective as of April 22, 2024, regarding any applicable action taken by park owner or prospective buyer in regard to the sale of a manufactured home park. To see the requirements applicable to actions taken prior to this date, please refer to the Fact Sheet Sale of Manufactured Home Parks, published October 28, 2019.***

### Manufactured Homeowners' Right of First Refusal

Pursuant to Real Property Law § 233-a, every agreement to purchase a manufactured home park is subject to the homeowners' right of first refusal to purchase the park themselves.

The manufactured home park owner should request a written letter from the prospective purchaser certifying whether or not the purchaser will, upon the closing of the sale of the park, or within 60 months of such closing, give its notice of its intention to use the land other than for manufactured home lot rentals to be provided to the manufactured homeowners' association, or if none exists, to all homeowners.

Eviction proceedings are subject to the restrictions set forth in Real Property Law § 233(b)(6) should the manufactured home park owner propose a change in the use of the land or where the purchaser of a manufactured home park certifies that such purchaser did not intend to change the use of the land.

If a manufactured home park owner ("Owner") wishes to sell the park, the Owner must take certain steps to comply with the law. This fact sheet sets forth the required actions.

### Pre-Sale Requirements

When an Owner takes any action to offer or market the park for sale, or receives an offer to purchase the park that owner intends to accept or respond to with a counteroffer, the materials must include a notice stating that the acceptance or counteroffer is subject to the right of the homeowners of the manufactured home park to purchase the manufactured home park.

The notice must be sent by the Owner via US Certified Mail or personal delivery to:

- The officers of the manufactured homeowners' association ("HOA") within such park, provided the Owner has been notified of the establishment of an HOA and the names and addresses of the officers of the HOA;
- All homeowners, if no HOA exists or the Owner has not been notified of the establishment of an HOA; and
- The Commissioner of Housing and Community Renewal.

The notice must state:

- The price;
- The material terms and conditions of the sale;
- That the homeowners have the right to organize an HOA or cooperative for the park;
- That purchase financing may be available through New York State Homes and Community Renewal; and
- That the HOA, cooperative, homeowners, or tenants have 140 days to exercise their right to purchase the park.

Visit [hcr.ny.gov/manufactured-home-park-program](https://hcr.ny.gov/manufactured-home-park-program) • Call Toll Free 1-800-432-4210 • Email [mhp-unit@hcr.ny.gov](mailto:mhp-unit@hcr.ny.gov)



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### After Notification

#### **If an HOA exists at the time of the offer:**

- If the HOA wishes to purchase the park, the HOA has within **60 days of notice from the Owner** to provide a notice of intent to purchase.
  - If no notice is delivered within the 60 days, the Owner has no further obligation.
- If the HOA does provide its notice, then the HOA must deliver an executed offer, at the same price, terms, and conditions of the offer or counteroffer provided in the notice, to purchase within **140 days** of the notice from the Owner unless otherwise agreed to in writing.
- During this time period, the Owner may not accept a final, unconditional offer to purchase the park.
- If no executed offer is delivered within the 140-day period, then, unless the Owner thereafter elects to offer to sell the park at a price lower or at terms substantially different from those presented in the specified notice, the Owner has no further obligation.
- If, after the 140-day period has run, the Owner decides to sell the park at a lower price or subject to different terms, then the Owner must provide new notice to the HOA. The HOA will then have **an additional 30 days** to deliver an executed offer to purchase at the revised price, terms, and conditions.

#### **If an HOA does not exist at the time of the offer:**

- The homeowners have **60 days from notice from the Owner** to provide a notice of intent to make an offer to purchase. The notice must be signed by greater than 50% of the homeowners within the park. If notice is properly provided within 60 days, the homeowners have the right to purchase the park, provided the following conditions are met:
  - The homeowners must have the right to form an HOA, whether incorporated or not.
  - The HOA must include greater than 50% of all homeowners who have given the written consent to forming an HOA.
  - The HOA must have given notice to the owner of the formation, name, and addresses of the officers, and delivered an executed offer at the same price, terms, and conditions of the offer presented in the notification within 140 days of notice from the Owner, unless otherwise agreed to in writing.
- During this time period, the Owner shall not accept a final unconditional offer to purchase the park.
- If the homeowners fail to form an HOA, or upon formation of an HOA, the HOA fails to deliver an executed offer within the 140-day period, then unless the Owner elects to offer the park at a price lower than the price specified in the notice previously presented, the Owner has no further obligation.
- If the Owner decides to sell the park at a lower price or subject to substantially different terms, then the HOA will then have **an additional 30 days after receipt of notice of the revised terms** to deliver an executed offer to purchase at the revised price, terms, and conditions as presented by Owner.

#### **These requirements do not apply to:**

- A conveyance of an interest in a park incidental to financing the park; and
- Eminent domain.

These requirements do not require the Owner to divide the land and sell it to individual homeowners.