

Manufactured Housing Law Update – Special Issue 2016

November 30, 2016

Fannie Mae Single Family Selling Guide Announcement SEL-2016-09 was issued on 12/06/16.

The Announcement includes provisions that were added thanks to the efforts of McGlinchey Stafford, and especially, Marc Lifset.

Mississippi law provides for the surrender of certificates of title for a manufactured home affixed to real estate and taxed as real property. However, due to other provisions of Mississippi law and the practice in that state, Fannie Mae's Selling Guide has been updated to require the lender to both record a deed of trust describing the manufactured home and the land to which it is affixed, and note the lien on the certificate of title. The lender must also retain the certificate of title in the loan file. Additionally, the lender maintains responsibility for all other applicable title insurance and lien requirement provisions of the Selling Guide.

Lenders must comply with these requirements for loans with note dates on or after January 1, 2017.

The Announcement addresses an inconsistency between Mississippi Code Ann. § 27-53-15, part of Mississippi's ad valorem tax statute ("Tax Statute"), and Mississippi Code Chapter 21, Title 63, the Mississippi Motor Vehicle and Manufactured Home Title Law ("Title Law"), which together allow for Title surrender but provide that a Title is required to convey and encumber a Home, including a Home that is converted to real property.

Fannie Mae's Single Family Seller/Service Guide currently requires borrowers to surrender the certificates of title ("Title") to Homes in states – such as Mississippi – where a procedure is available.

The Seller/Service Guide update resolves this problem.

We expect Freddie Mac to follow suit shortly.

[Read the full update here.](#)

McGlinchey Stafford is pleased to bring you the Manufactured Housing Law Update, prepared by the firm's nationally recognized consumer financial services team. For decades, McGlinchey Stafford has been a leader in the manufactured housing and mortgage lending industries, representing clients in the areas of federal and state law compliance, preemption analysis and advice, nationwide document preparation, licensing support, due diligence, federal and state examination and enforcement action defense, individual and class action litigation defense, and white collar criminal defense.

Related people

Marc J. Lifset

Jeffrey Barringer