



# HOUSING NOW

April 2023

## MHI: HELP DELAY THE MH ENERGY EFFICIENCY STANDARDS COMPLIANCE DATE

The Department of Energy (DOE) has published a proposed rulemaking to amend the compliance date for its manufactured housing energy standards to allow the Department additional time to establish enforcement procedures that provides clarity for manufacturers and other stakeholders. Currently, home manufacturers must comply with these standards by May 31, 2023.

It is critical that DOE postpones the compliance date for the manufactured housing energy efficiency standards until after the Department's future enforcement procedures are created and take effect. Without a clear understanding of how the Department intends to enforce these manufactured housing energy standards or how the standards will be evaluated for compliance, it is impossible for the industry to know whether or not its compliance efforts will be found satisfactory to DOE.

It is important that DOE hear from all sectors of the manufactured housing industry about the urgent need to delay the manufactured housing energy efficiency standards compliance date. Please join MHI's efforts and tell DOE that this action will give the industry clarity on how best to comply with the standards and what to expect from DOE's enforcement of such standards.

To participate in the Call to Action click the button below and follow the simple steps on MHI's website. The letter to DOE has already been composed – all you have to do is insert your home address and click submit. Here is the website link with the letter: <https://www.manufacturedhousing.org/mhiactioncenter/?vsrc=%2FCampaigns%2F103139%2FRespond>

*Please feel free to share with everyone else in the industry!*

## APRIL IS FAIR HOUSING MONTH



This year, we commemorate the 55th anniversary of the passage of the Fair Housing Act, the landmark civil rights law signed by President Lyndon B. Johnson on April 11, 1968, that made discrimination in housing transactions unlawful. The Fair Housing Act prohibits discrimination in housing because of race, color national origin, religion, sex (including gender identity and sexual orientation), disability, and familial status. For more information about your fair housing rights, visit FHEO's website at: [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/](https://www.hud.gov/program_offices/fair_housing_equal_opp/)

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## FROM THE NYHA PRESIDENT



**JOE BUSHEY**

### HOW DO WE TOP THAT?

Spring is finally here, and with it we see the annual events that we experience every year and look forward to. As a sports fan, I enjoy the excitement of March Madness, the tradition of the Masters and the optimism that accompanies Opening Day of MLB. In the housing industry, we see the majority of Open Houses annually planned to generate additional business each year taking place now. Whether it is a sporting contest, business event, or family tradition that takes place every year, it is important to always be searching for how we can make it better.

Always be looking for new and more efficient ways to run your business and to be more productive. Constantly be searching for opportunities to grow and to make yourself better. Never forget where you came from and be grateful for all the blessings you have in your life. Nothing will make you feel better than doing something nice for someone else!

We are in the housing industry and with it comes a tremendous responsibility for all of us to do our very best to continuously provide our customers with not only a safe and secure home, but a buying experience that is informative and stress free. Constantly be looking for improving what you do and how to make the process better for the homeowner. We have come a long way as an industry but our best days are yet to come. Stay optimistic and good luck to all of you making 2023 a better year than 2022!

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# CHANGES TO NEW YORK'S NOTARY PUBLIC LAW AND REGULATIONS

In February 2022, Governor Hochul signed Chapter 104 of the Laws of 2022 ("Chapter 104"), which, among other things, created Section 135-c of the New York Executive Law authorizing electronic notarization and directed the Secretary of State to adopt rules and regulations necessary to implement electronic notarization. Section 135-c of the Executive Law became effective on January 31, 2023, and the new Part 182.2-182.11 of the Rules and Regulations of the Department of State ("Part 182"), became effective on January 25, 2023. Registration for traditional notaries to become electronic notaries opened February 1, 2023. Together, these amendments change record-keeping requirements, set forth identity verification procedures, authorize electronic notarization, provide for a separate notarial commission for electronic notary services and repeal remote ink notarization.

**New Record-Keeping Requirements:** As of January 25, 2023, all notaries must keep a "journal" or record of their notarial acts. Importantly, the notarial journal must be retained for a minimum of ten (10) years and must be capable of being produced to the secretary of state, or others, when needed. The journal entry must be made contemporaneously with the notarial act and:

For all notarization or notarial acts/services, the journal entry must include:

1. The date, approximate time, and type of notarial acts performed;
2. The name and address of any individuals for whom a notarial act was performed;
3. The number of notarial services provided and whether the notary performed in-person or electronic notarial services;
4. The identity verification procedures used for any personal appearance before the notary public; and The type of credential utilized during the identity verification procedures to identify the signer (also referred to as the "principal") or witnesses (if any).

For electronic notarization, the journal entry must also include and identify: (1) the communication technology utilized; (2) the

certification authority; and (3) the verification providers used.

**Authorization and Additional Requirements for Electronic Notarization:** As mentioned above, electronic notarization has now been authorized in New York under Executive Law § 135-c, provided that such notary public is separately and additionally registered with the Department of State to perform electronic notarization and the required electronic notarization procedures are followed. Existing notaries must register online and pay a \$60.00 fee. Those who are not already a notary but wish to become an electronic notary must first be commissioned as a traditional notary.

Electronic notarization must be done by utilizing software, or service providers, which comply with the Department of State Regulations. Furthermore, in addition to the generally applicable notary requirements, all electronic notaries must also:

1. Be physically located in New York State when performing electronic notarization and use a network which permits identification of the notary's location;
2. Affix a unique independently verifiable electronic signature to the electronic record;
3. Use their designated electronic signature only for the purpose of performing electronic notarial acts;
4. Ensure the notarial certificate for the electronic notarial act clearly states that the principal appeared virtually using communication technology;
5. For execution of any instrument in writing, if under applicable law the record may be signed with an electronic signature, confirm that such instrument is the same instrument in which the principal made a statement or on which the principal executed a signature;
6. If the principal is outside the United States, the principal must verbally confirm the record or subject of the notarial act: (i) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject

*Notary, cont. on Page 6*

to the jurisdiction of the United States; (ii) involves property located in the territorial jurisdiction of the United States; or (iii) involves a transaction substantially connected with the United States; and

Electronic notaries must also add the following statement to their signature (also referred to as the “jurat”): “This electronic notarial act involved a remote online appearance involving the use of communication technology.”

The individual utilizing a New York electronic notary may be anywhere in the world so long as all the identity verification requirements are met. However, the electronic notary must be physically present in New York when performing the notarial acts and the documents notarized must relate to the United States in one of the manners set forth in item “6” above. Principals wishing to use a New York electronic notary for legal services outside New York should check with their local jurisdiction as to whether electronic notarization is accepted.

**Updated Identity Verification Requirements:** The amendments to Part 182 have also updated the required identity verification requirements for in-person notarization and promulgated new rules for electronic notary identity verification. All notaries must record the method of identity verification utilized in their journal entry.

For in-person notarization, identity verification requirements can be satisfied through:

1. Presentation of a valid and current government identification card which has a photo of the principal, accurate physical description of the principal (if applicable), and includes the principal’s signature;
2. Presentation of at least two current documents issued by an institution, business entity, or federal or state government with at least the principal’s signature;
3. Attestation by the notary that the principal is personally known to them;
4. The oath or affirmation of a witness who is personally known to both the principal and notary; or

5. The oath or affirmation of two witnesses who know the principal personally and provide identification that meets the requirements set forth in item “1” above.

For electronic notaries, identity verification requirements can be satisfied if any of the following are met:

1. The notary can verify the identity of the principal through the virtual presentation of an official government issued form of ID which is verified via credential analysis and identity proofing;
2. Attestation by the notary that the principal is personally known to them; or

An oath or affirmation of a witness who personally knows the principal and electronic notary or by an oath or affirmation of two witnesses whose identity can be verified through the virtual presentation of an official government issued form of identification, which is verified via credential analysis and identity proofing.

**Fees:** Fees available for in-person notarization are unchanged. However, Part 182.11 sets forth the fees available for electronic notarial acts. New York licensed electronic notaries may charge a \$25.00 fee for each electronic notarial act performed, even if multiple notarial acts are performed in a single electronic notary session. Electronic notaries may also charge \$2.00 for “papering out.” Papering out is the process by which the electronic notary executes a physical certificate of authenticity for a document created via electronic notary. The certificate of authenticity allows the notary to attest that the document is an accurate copy of the document electronically notarized.

New York State has provided guidance regarding the new requirements. The Department of State webpage regarding notary publics, including instructions to register as an electronic notary, may be found at:

<https://dos.ny.gov/notary-public>





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## 3 WAYS TO MAKE YOUR MH BUSINESS MORE SECURE ONLINE

Digital fraud is at an all-time high. Here are some tips and techniques to help your business stay more secure in the digital world.

**It's a dangerous digital world out there...** Did you know that Americans lost more than \$6 billion to fraud last year? And that the FTC receive 3 MILLION reports of fraud? That's a lot of bad actors online. Don't let your business fall victim to online fraud and theft.

Here are a few tips to help protect your manufactured housing business online.

### ***1. Set Up Company Email Accounts for ALL your employees***

Do you have employees, salespeople especially, that interact with customers via email? Of course you do. There's no way to do business in 2022 without it.

Unfortunately, many businesses choose to allow their employees to use their personal email accounts (gmail, yahoo, etc.) to do business on the company's behalf. While convenient and cost effective (read: free), this can be problematic for a few reasons:

**Security :** If your sales people are interacting with customers, it's very likely their customers have sent over personal information via email. This could include phone numbers, addresses, social media accounts, or even social security numbers. All information that could be used in many nefarious ways.

What happens if that salesperson is fired, or becomes disgruntled? If they use that information in a negative way, your business would be on the hook for whatever damages that former employee caused.

If the former employee used a company email, however, you could restrict access and delete the info so that the former employee could not use it. If it's a personal email, your only option is to cross your fingers and hope they don't do anything.

### ***2. Losing Deals***

Have you ever had to let a salesperson go, only to see them pop up at another sales center with a pipeline full of deals? If that has happened, it's

likely that former salesperson took all the leads in their email with them. All the money spent on advertising, promoting, and marketing your business went with that salesperson to another lot. You've essentially paid for a competitor's deals. It's not a good feeling.

To help curtail that, keeping control of your employee's email accounts keeps them from taking all that customer contact info with them to a competitor. It won't prevent it all together, but controlling the email will help you keep as many deals as you can on your lot.

**Professionalism:** David@bildmedia.io looks a lot more professional than HotDaddy12@gmail.com. When customers see personal email addresses being used for business correspondence, it creates a lack of trust. They ask, "Why would a professional business not have its own email addresses?" It then takes them to the next question: "If they're not professional regarding email, where else are they also not professional? Maybe I should just go buy a home from that corporate lot down the road that seems more professional..."

Don't lose customers because of a simple thing like email. Get the corporate addresses, and make your employees use them.

### ***3. Use 2 factor authentication on all social media accounts, for all employees***

If someone hacks your, or your employees, Facebook account, they can spend thousands in a matter of minutes. They can create a ridiculous cat meme ad, set the budget to \$100K per day, and Facebook will start spending.

That would be fraud, of course, and 999 times of our 1000 Facebook will refund your money. But do you know how to get in touch with Facebook? Could you float \$100K while they get the money back to you? Do you even have time to deal with that?

If you answered no to any of the questions above, you need to make sure EVERY person with access to your business page has 2 factor authentication set up. 2FA is a system that alerts the Facebook user any time there is a suspicious login, or a login from a new device. For example, if you're in NC, and someone tries to access your page from



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## 2023 COMING EVENTS

(Tentative – dates & times subject to change)

Apr 25	Board Meeting	NYHA Office	10am – 2pm
Apr 26	Area Meeting	Albany - The Desmond	9am – 12pm
Apr 26	Networking Lunch	Albany - The Desmond	12pm - 1pm
Apr 26	CE Course	Albany - The Desmond	1pm – 4pm
April 27	21B & Mechanics	Albany - The Desmond	9am – 4pm
May 10	Area Meeting	Syracuse – Embassy Suites	9am – 12pm
May 10	CE Course	Syracuse – Embassy Suites	1pm – 4pm
May 11	21B & Mechanics	Syracuse – Embassy Suites	9am – 4pm
May 17	Area Meeting	Glenwood Village, Long Island	9am – 12pm
Jun 8	Area Meeting	Newburgh – Homewood Suites	9am – 12pm
Jun 8	Networking Lunch	Newburgh	12pm – 1pm
Jun 8	CE Course	Newburgh	1pm – 4pm
Jun 9	21B & Mechanics	Newburgh	9am – 4pm



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## ATTORNEY RECOMMENDATIONS

The NYHA office gets many requests from members throughout New York looking for names of Attorney's with knowledge and experience on Manufactured Housing issues. Sometimes our Attorney members are too far away or are too busy to take on new clients.

If you have an Attorney to recommend, suggest they contact the Association office via phone (800-721-HOME) or email ([info@nyhousing.org](mailto:info@nyhousing.org)) to be added to our list.

The current list can be found at: <https://www.nyhousing.org/news/attorney-recommendations>



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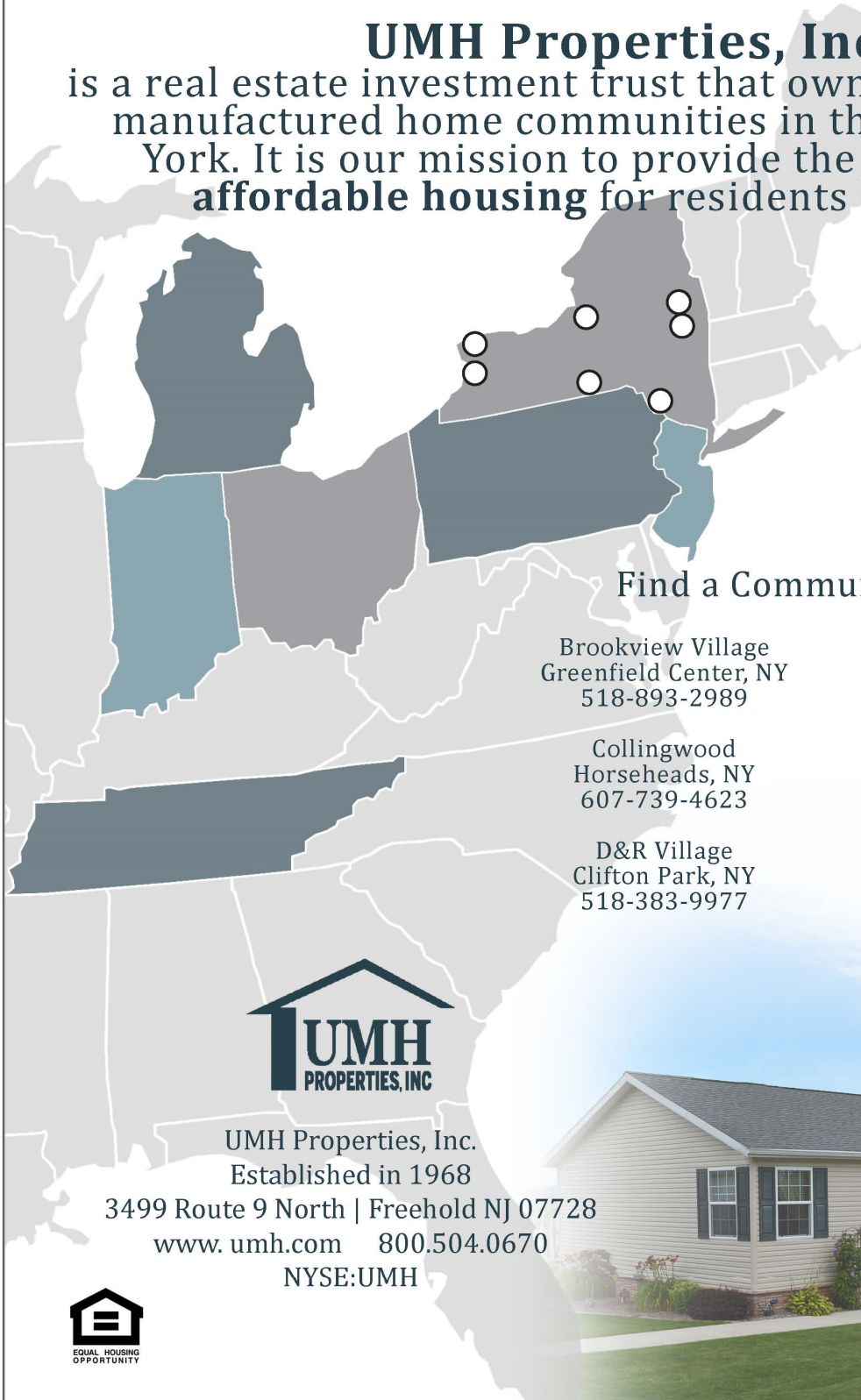




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## **HUD PUBLISHES ARTICLE HIGHLIGHTING THE USE OF AMERICAN RESCUE PLAN FUNDS**

HUD recently published an article outlining how states are using funds from the American Rescue Plan to increase affordable housing supply. Over \$5.4 billion of the State and Local Fiscal Recovery Funds (SLFRF) have been deployed for affordable housing development and preservation, with a portion of the \$16 billion overall allocated for housing-related projects. In July 2022, the Treasury Dept expanded the scope of SLFRF funds, which can now be more easily used for the development, repair, and operation of affordable homes. Further, state recipients of these funds are encouraged to use them to make significant investment in order to support and expand affordable housing. The article highlights projects in several states that are utilizing these funds. To read the full article, please visit: [https://www.hud.gov/ourwayhome/blog/blog\\_03\\_28\\_23](https://www.hud.gov/ourwayhome/blog/blog_03_28_23)

## **MHI JOINS BUSINESS COMMUNITY IN OPPOSING ADMINISTRATION'S PROPOSED TAX HIKES ON SMALL AND FAMILY-OWNED BUSINESSES**

MHI joined with more than 80 business leaders in co-signing a letter to Representatives Jodey Arrington (TX-10) and Brendan Boyle (PA-2) of the House Committee on the Budget and Jason Smith (NJ-4) and Richard Neal (MA-1) of the House Committee on Ways and Means to oppose the \$4 trillion in tax increases, nearly half of which would fall on small and family-owned businesses, included in the Administration's Fiscal Year 2024 budget. The letter argues that these proposed tax hikes would impair the ability of small businesses to "hire new employees, offer better benefits, and invest in the equipment and technology necessary to sustain their businesses and help them grow." The letter further claims that when combined with other proposals put forth by the Administration it would raise top marginal tax rates on small and family-owned businesses from today's 29.6 percent to a staggering 57 percent.

## **MHI CALLS FOR MORTGAGE LENDERS AND SERVICERS TO BE EXEMPT FROM NEW RULES**

In response to two proposed rules from the Consumer Financial Protection Bureau (Bureau) that would impact nonbank entities, MHI called on the Bureau to exempt mortgage lenders and servicers. The first proposed rule would require mortgage lenders and servicers to disclose all form contracts they utilize that seek to waive or limit consumer legal protections. In its letter, MHI stated this rule is duplicative and unnecessary as the Dodd-Frank Act already has requirements in place and would create a compliance burden for mortgage lenders and servicers. If mortgage lenders and servicers are not exempted, MHI called for the rule to be amended to exclude all federal agency mortgage program required forms and to exclude standardized forms required in complying with a myriad of other federal mortgage rules and state laws such as waivers of homestead rights, marital property and consumer property rights, to name a few. Finally, MHI stated the \$1 million receipts threshold is too low and a significantly higher threshold is needed.

The second proposed rule would require mortgage lenders and servicers to submit to the Bureau all legal actions, including agency and court orders, against them. In its letter, MHI told the Bureau this action is redundant and unnecessary as this information is already public and exists on the Nationwide Multistate Licensing System (NMLS), where mortgage lenders and servicers are required to post such information and which consumers can easily search. MHI also expressed concerns with the requirement to designate a senior executive "to attest to the firm's compliance with covered rules" and the lack of clarity surrounding this obligation.



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Security, cont. from Page 8

the Bahamas, you'll get a notification on your phone with a code that will have to be entered for that Bahama login. If it's you, no big deal, just enter the code from your cabana on the beach and you're ready to go. If it's NOT you, that person can't access the account, even if they have the password, and you'll be prompted to create a new password.


Here are the instructions to enabling the 2FA on Meta platforms. Do this today. <https://www.facebook.com/help/148233965247823>

**Use 2 separate wireless networks at your business:**  
*Do you have a wireless network at your sales center? If so, you need to have separate networks for customers and employees. There's a lot of confidential info that gets passed through that network (credit apps, W-2s, tax returns, etc.), and you don't want just anyone to have access to it.*

Get with your ISP (Internet Service Provider) and set up 2 different wireless networks. Make one for customers, and the other for employees. The employee network needs to be secure so that no one else can access it.


Online security is a HUGE deal in today's digital world, and you have to stay on top of it.

**By David Finney, BildMedia**



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## TRAINING UPDATE: YOUR ASSISTANCE IS REQUESTED!

**Tired of looking at the same pictures from 2007 in our training courses?** So are we! Joel Harper is updating the modules, as well as creating 2 new training courses and he needs pictures!

If you are willing to participate, please reach out to him at [joel@consultwithmhc.com](mailto:joel@consultwithmhc.com) with the heading TRAINING PICS. Proper credit will be given in the presentation, and anonymity will be respected if preferred.

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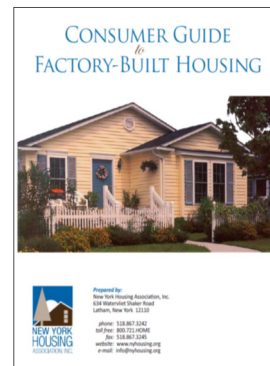


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The **Consumer Guide to Factory-Built Housing** is a fantastic resource to share with prospective tenants. Buying a home is a big step! The facts and info included in the Buying Guide help make the process more understandable.

Help your tenants make smart and well-informed buying decisions by offering them a copy of this Guide. NYHA Members can purchase the Guide from the Association office for \$1 each.

You must make a minimum purchase of 25 Guides.

For more info, please contact:

Kathy@nyhousing.org or call 800-721-HOME





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## Program Highlights Through HF&C

- Dealer Physical Damage coverage offers an all-in-one coverage form for inventory, cargo, tools and equipment, labor value, and environmental displays.
- General Liability Rates that apply per home sold for retailers, and per site for community owners.
- Business Income Coverage responds to loss of income resulting from direct damage to NON owned homes in your community.
- Enhanced Property Coverage that includes additional amounts of coverage for monies and securities, and computer equipment.
- General Liability extensions giving aggregate limits per location, and automatic additional insured wording.
- Automobile coverage that includes hire physical damage coverage and rental reimbursement expense.
- Bonding capabilities to satisfy licensing or permit requirements.

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