

## **BILL ANALYSIS**

C.S.H.B. 543  
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Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Federal Emergency Management Agency (FEMA) required Dallas County to adopt specific flood plain management regulations in order to participate in the National Flood Insurance Program. Commissioner's Court Order No. 87-560, Regulation for Flood Plain Management, requires persons seeking to install a manufactured home in the flood plain to elevate the structure above the 100-year flood water elevation. Despite this order, citizens have located manufactured homes in the flood plain without elevation.

C.S.H.B. 543 would prevent a retailer, broker, or salesperson of a manufactured home from delivering a manufactured home into the flood plain.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

SECTION 1: Amends Subchapter K, Chapter 1201, Occupations Code, by adding Section 1201.512 as follows:

Defines "homesite" to mean the land on which the foundation system for a manufactured home is or will be located.

Requires the retailer, broker, or salesperson to comply with the requirements of the National Flood Insurance Act of 1968 or any other applicable local, state, or federal law and to attempt to ensure the consumer's compliance with these laws before he or she sells, exchanges, or lease-purchases a new or used manufactured home to a consumer for use as a permanent dwelling.

If the retailer, broker, or salesperson does not comply with law, he or she may not deliver, arrange for the delivery, install or arrange for the installation of a manufactured home to a homesite in a special flood hazard area. A special flood hazard area would be designated by the director of the Federal Emergency Management Agency.

Requires a consumer who is seeking to acquire a manufactured home to provide evidence that the home will not be located, in a manner that violates local, state, or federal law, on a homesite in a special flood hazard area designated by the director of the Federal Emergency Management Agency.

A consumer may satisfy the evidentiary requirement by providing to the retailer, broker, or salesperson a copy of any required permit to install a septic tank on the homesite.

Exempts the following from the provisions of this new section:

A manufactured home that on August 31, 2003, was inhabited and located on real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area if the home will remain on or be relocated to real property zoned as described in this subsection.

Real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area.

SECTION 2: Act not retroactive

SECTION 3: Effective Date.

**EFFECTIVE DATE**

June 1, 2003 if the bill receives two-thirds votes of all members, otherwise, September 1, 2003.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.H.B. 543 requires that the retailer, broker, or salesperson “ensure” the consumer’s compliance with applicable law. H.B. 543 only requires that the seller “attempts to ensure” compliance.

C.S.H.B. 543 requires that the retailer, broker, or salesperson require evidence of compliance of applicable law in accordance with Subsection (c).

C.S.H.B. 543 allows a consumer to satisfy the evidentiary requirement by providing to the retailer, broker, or salesperson a copy of any required permit to install a septic tank on the homesite. H.B. 543 contained no such provision.

C.S.H.B. 543 adds a new Subsection (d) to provide for exceptions to the provisions of this new section as follows:

Exempts the following from the provisions of this new section:

A manufactured home that on August 31, 2003, was inhabited and located on real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area if the home will remain on or be relocated to real property zoned as described in this subsection.

Real property zoned before September 1, 2003, by a local political subdivision for the purpose of developing homesites in a special flood hazard area.