

## **BILL ANALYSIS**

H.B. 2140  
By: Dukes  
Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

HB 557 from the 77<sup>th</sup> Legislature created additional provisions to the Title 8, Property Code, relating to landlord/tenant law as it relates to relationships between owner/operators of manufactured home communities and owners of manufactured homes. The definition for manufactured homes includes recreational vehicles. Within that definition, the bill inadvertently captured temporary, “over the road” recreational vehicles that are operated by traveling tourists throughout Texas and subject to Theft of Services law.

Since passage of the bill problems arose from numerous campground and RV park owners regarding the nature of landlord/tenant relationships within HB 557. Due to the definition of manufactured homes under HB 557, many law enforcement entities have misinterpreted the law and have concluded their efforts are hampered due to temporary recreational vehicles being captured within the definition. Campground owners and RV park operators operate under a Theft of Services law that provide remedies regarding any problems and/or situations between those owners and operators and temporary, “over the road” clientele that stays or days, weeks, or occasionally months. Chapter 31, Penal Code, outlines remedies and procedures under the Theft of Services for service entities such as hotels, campgrounds, recreational vehicle parks, restaurants, and comparable establishments.

Not all recreational vehicles are permanently tied down or affixed to real property, therefore, do not capture the spirit of a manufacturing home as intended in the law. There is, however, a type of travel trailer referred to as a Park Model Unit that is used as temporary living quarters but is permanently tied to or affixed to real property. A new definition is necessary to distinguish the difference between a fixed structure that should be captured under the landlord/tenant law and a recreational vehicle that is not a permanent fixture but an “over the road” or temporary vehicle used by traveling tourists and subject to Theft of Services law.

### **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**

HB 2140 amends the Property Code to clarify the definition of a manufactured home for the purposes of a landlord/tenant relationship.

Section 94.001 simply clarifies the definition of recreational vehicle as a vehicle primarily designed as a temporary living quarters for recreational camping or travel use and, for purposes of this Act, is permanently tied to, affixed, or anchored to the premises as in the case of a park model unit.

New language in Section 94.001 defines a Park Model Unit as a recreation vehicle primarily designed as temporary living quarters for recreation, camping or seasonal use and are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode. With this clarification in the definitions the law would read that permanent structures such as manufacturing homes

and park model units are subject the landlord/tenant law.

The bill provides clarifying changes in Section 94.002, Property Code that ensures the law applies to a recreational vehicle as defined in the Act.

The bill provides clarifying language in Section 94.051 relating to information to be provided to a prospective tenant and clarifies that language in the contract given from the landlord to the prospective tenant regarding rules of initial lease terms, renewal of lease, 60 day notice of renewal and relocation of the manufactured home or recreational vehicle as defined in the Act.

#### **EFFECTIVE DATE**

The bill calls for immediate effect on a vote of two-thirds of the members. If the Act does not receive the votes necessary for immediate effect, the Act takes effect September 1, 2003.