

By: Jones of Dallas

H.B. No. 543

A BILL TO BE ENTITLED

AN ACT

relating to certain restrictions on the delivery or installation of a new or used manufactured home in a flood-prone area.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter K, Chapter 1201, Occupations Code, as effective June 1, 2003, is amended by adding Section 1201.512 to read as follows:

Sec. 1201.512. PROHIBITED DELIVERY OR INSTALLATION OF MANUFACTURED HOME. (a) In this section, "homesite" means the land on which the foundation system for a manufactured home is or will be located.

(b) Unless the retailer, broker, or salesperson complies with the requirements of the National Flood Insurance Act of 1968 (42 U.S.C. Section 4001 et seq.), Subchapter I, Chapter 16, Water Code, and any other applicable local, state, or federal law, and attempts to ensure the consumer's compliance with those laws, a retailer, broker, or salesperson who sells, exchanges, or lease-purchases a new or used manufactured home to a consumer for use as a permanent dwelling may not:

(1) deliver or arrange for the delivery of the home to a homesite in a special flood hazard area designated by the director of the Federal Emergency Management Agency;

(2) install or arrange for the installation of the home at a homesite in that area; or

1 (3) assist the consumer in the delivery or
2 installation of, or in making arrangements for the delivery or
3 installation of, the home to or at a homesite in that area.

4 (c) Before closing on the acquisition of a new or used
5 manufactured home for use as a permanent dwelling, a consumer
6 seeking to acquire the home must provide to the retailer, broker, or
7 salesperson selling, exchanging, or lease-purchasing the home
8 evidence that the home will not be located, in a manner that
9 violates local, state, or federal law, on a homesite in a special
10 flood hazard area designated by the director of the Federal
11 Emergency Management Agency.

12 SECTION 2. The change in law made by this Act applies only
13 to the sale, exchange, or lease-purchase of a new or used
14 manufactured home on or after the effective date of this Act.

15 SECTION 3. This Act takes effect June 1, 2003, if it
16 receives a vote of two-thirds of all the members elected to each
17 house, as provided by Section 39, Article III, Texas Constitution.
18 If this Act does not receive the vote necessary for effect on June
19 1, 2003, this Act takes effect September 1, 2003.