

By: Carona

S.B. No. 1326

A BILL TO BE ENTITLED

AN ACT

relating to the municipal regulation of single-family and duplex industrialized housing.

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

SECTION 1. Subsection (b), Section 1202.251, Occupations Code, is amended to read as follows:

(b) Except as provided by Section 1202.253, requirements ~~[Requirements]~~ and regulations not in conflict with this chapter or with other state law relating to transportation, erection, installation, or use of industrialized housing or buildings must be reasonably and uniformly applied and enforced without distinctions as to whether the housing or buildings are manufactured or are constructed on-site.

SECTION 2. Subchapter F, Chapter 1202, Occupations Code, is amended by adding Section 1202.253 to read as follows:

Sec. 1202.253. MUNICIPAL REGULATION OF SINGLE-FAMILY AND DUPLEX INDUSTRIALIZED HOUSING. (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

(b) For purposes of this section, single-family or duplex industrialized housing is real property.

(c) A municipality may adopt regulations that require single-family or duplex industrialized housing to:

(1) have a value equal to or greater than the median

1 taxable value for each single-family dwelling located within 500  
2 feet of the lot on which the industrialized housing is proposed to  
3 be located, as determined by the most recent certified tax  
4 appraisal roll for each county in which the properties are located;

5 (2) have exterior siding, roofing, foundation fascia,  
6 and fenestration compatible with the single-family dwellings  
7 located within 500 feet of the lot on which the industrialized  
8 housing is proposed to be located;

9 (3) comply with municipal aesthetic standards,  
10 building setbacks, side and rear yard offsets, subdivision control,  
11 architectural landscaping, square footage, and other site  
12 requirements applicable to single-family dwellings; or

13 (4) be securely fixed to a permanent foundation.

14 (d) For purposes of Subsection (c), "value" means the  
15 taxable value of the industrialized housing and the lot after  
16 installation of the housing.

17 (e) Except as provided by Subsection (c), a municipality may  
18 not adopt a regulation under this section that is more restrictive  
19 for industrialized housing than that required for a new  
20 single-family or duplex dwelling constructed on-site.

21 (f) This section does not:

22 (1) limit the authority of a municipality to adopt  
23 regulations to protect historic properties or historic districts;  
24 or

25 (2) affect deed restrictions.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2003.