

1-1 By: Carona S.B. No. 1326
1-2 (In the Senate - Filed March 13, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Business and Commerce;
1-4 April 28, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 28, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1326 By: Fraser

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the municipal regulation of single-family and duplex
1-11 industrialized housing.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 1202.251, Occupations
1-14 Code, is amended to read as follows:

1-15 (b) Except as provided by Section 1202.253, requirements
1-16 [Requirements] and regulations not in conflict with this chapter or
1-17 with other state law relating to transportation, erection,
1-18 installation, or use of industrialized housing or buildings must be
1-19 reasonably and uniformly applied and enforced without distinctions
1-20 as to whether the housing or buildings are manufactured or are
1-21 constructed on-site.

1-22 SECTION 2. Subchapter F, Chapter 1202, Occupations Code, is
1-23 amended by adding Section 1202.253 to read as follows:

1-24 Sec. 1202.253. MUNICIPAL REGULATION OF SINGLE-FAMILY AND
1-25 DUPLEX INDUSTRIALIZED HOUSING. (a) Single-family or duplex
1-26 industrialized housing must have all local permits and licenses
1-27 that are applicable to other single-family or duplex dwellings.

1-28 (b) For purposes of this section, single-family or duplex
1-29 industrialized housing is real property.

1-30 (c) A municipality may adopt regulations that require
1-31 single-family or duplex industrialized housing to:

1-32 (1) have a value equal to or greater than the median
1-33 taxable value for each single-family dwelling located within 500
1-34 feet of the lot on which the industrialized housing is proposed to
1-35 be located, as determined by the most recent certified tax
1-36 appraisal roll for each county in which the properties are located;

1-37 (2) have exterior siding, roofing, foundation fascia,
1-38 and fenestration compatible with the single-family dwellings
1-39 located within 500 feet of the lot on which the industrialized
1-40 housing is proposed to be located;

1-41 (3) comply with municipal aesthetic standards,
1-42 building setbacks, side and rear yard offsets, subdivision control,
1-43 architectural landscaping, square footage, and other site
1-44 requirements applicable to single-family dwellings; or

1-45 (4) be securely fixed to a permanent foundation.

1-46 (d) For purposes of Subsection (c), "value" means the
1-47 taxable value of the industrialized housing and the lot after
1-48 installation of the housing.

1-49 (e) Except as provided by Subsection (c), a municipality may
1-50 not adopt a regulation under this section that is more restrictive
1-51 for industrialized housing than that required for a new
1-52 single-family or duplex dwelling constructed on-site.

1-53 (f) This section does not:

1-54 (1) limit the authority of a municipality to adopt
1-55 regulations to protect historic properties or historic districts;
1-56 or

1-57 (2) affect deed restrictions.

1-58 SECTION 3. This Act takes effect immediately if it receives
1-59 a vote of two-thirds of all the members elected to each house, as
1-60 provided by Section 39, Article III, Texas Constitution. If this
1-61 Act does not receive the vote necessary for immediate effect, this
1-62 Act takes effect September 1, 2003.

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