

BILL ANALYSIS

S.B. 1038
By: Lucio
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Chapter 94 (Manufactured Home Tenancies), Property Code, was created with the intention of providing certain protections to manufactured housing tenants and landowners. Because of unclear language in the statute, some landowners have misused the statute to wrongly evict tenants. This bill makes adjustments that require manufactured housing landlords to give tenants proper and adequate notice if a landowner decides to change the land use of the property.

S.B. 1038 clarifies the rights of manufactured housing tenants who currently reside month-to-month at the discretion of their landlord.

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 Section 94.051, Property Code, as follows:

Sec. 94.051. INFORMATION TO BE PROVIDED TO PROSPECTIVE TENANT. Requires a separate disclosure statement to be given to a prospective tenant at the time the landlord receives an application from the prospective tenant to include a certain notice regarding the renewal or nonrenewal of a lease, the time periods for such actions, and certain conditions relating to such actions. Deletes existing text relating to the required content of such notice.

SECTION 2. Amends the heading to Section 94.204, Property Code, to read as follows:

Sec. 94.204. NONRENEWAL OF LEASE FOR CHANGE IN LAND USE.

SECTION 3. Amends Section 94.204(a), Property Code, as follows:

(a) Authorizes a landlord to choose not to renew a lease agreement to change the manufactured home community's land use only if the landlord takes certain actions not later than the 180th day before the date the land use will change. Make conforming changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.