

By: Lucio

S.B. No. 1038

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain lease agreements in  
manufactured home communities.

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

SECTION 1. Section 94.051, Property Code, is amended to  
read as follows:

Sec. 94.051. INFORMATION TO BE PROVIDED TO PROSPECTIVE  
TENANT. At the time the landlord receives an application from a  
prospective tenant, the landlord shall give the tenant a copy of:

(1) the proposed lease agreement for the manufactured  
home community;

(2) any manufactured home community rules; and

(3) a separate disclosure statement with the following  
prominently printed in at least 10-point type:

"You have the legal right to an initial lease term of six  
months. If you prefer a different lease period, you and your  
landlord may negotiate a shorter or longer lease period. After the  
initial lease period expires, you and your landlord may negotiate a  
new lease term by mutual agreement. Regardless of the term of the  
lease, ~~[if the recreational vehicle is tied to, affixed, or  
otherwise a permanent part of the premises,~~ the landlord must give  
you at least 60 days' notice of the nonrenewal of the lease.  
However, if the manufactured home community's land use will change,  
the landlord must give you at least 180 days' notice before the

1 landlord can nonrenew the lease [~~if the landlord will not renew your~~  
2 ~~lease and will require that you relocate your manufactured home or~~  
3 ~~recreational vehicle~~]. You [~~During the 60-day period, you~~] must  
4 continue to pay all rent and other amounts due under the lease  
5 agreement, including late charges, if any, after receiving notice  
6 of the nonrenewal."

7 SECTION 2. The heading to Section 94.204, Property Code, is  
8 amended to read as follows:

9 Sec. 94.204. NONRENEWAL OF LEASE [~~TERMINATION~~] FOR CHANGE  
10 IN LAND USE.

11 SECTION 3. Subsection (a), Section 94.204, Property Code,  
12 is amended to read as follows:

13 (a) A landlord may choose not to renew [~~terminate~~] a lease  
14 agreement to change the manufactured home community's land use only  
15 if not later than the 180th day before the date the land use will  
16 change:

17 (1) [~~not later than the 120th day before the date the~~  
18 ~~land use changes,~~] the landlord sends notice to the tenant, to the  
19 owner of the manufactured home if the owner is not the tenant, and  
20 to the holder of any lien on the manufactured home:

21 (A) specifying the date that the land use will  
22 change; and

23 (B) informing the tenant, owner, and lienholder,  
24 if any, that the owner must relocate the manufactured home; and

25 (2) [~~not later than the 120th day before the date the~~  
26 ~~land use changes,~~] the landlord posts in a conspicuous place in the  
27 manufactured home community a notice stating that the land use will

1 change and specifying the date that the land use will change.

2 SECTION 4. The changes in law made by this Act apply only to  
3 a lease agreement or a renewal to a lease agreement entered into  
4 after the effective date of this Act. A lease agreement or a  
5 renewal to a lease agreement entered into on or before the effective  
6 date of this Act is covered by the law in effect at the time the  
7 lease agreement or the renewal to the lease agreement was entered  
8 into, and the former law is continued in effect for that purpose.

9 SECTION 5. This Act takes effect September 1, 2007.