

By: Hamilton

H.B. No. 1510

Substitute the following for H.B. No. 1510:

By: Driver

C.S.H.B. No. 1510

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of manufactured housing.

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

SECTION 1. Sections 1201.2055(d), (e), and (g), Occupations Code, are amended to read as follows:

(d) If an owner elects to treat a manufactured home as real property, the department shall issue to the owner a certified copy of the statement of ownership and location that on its face reflects that the owner has elected to treat the manufactured home as real property at the location listed on the statement. Not later than the 60th day after the date the department issues a certified copy of the statement of ownership and location to the owner, the owner must:

(1) file the certified copy in the real property records of the county in which the home is located; and

(2) notify the department and the chief appraiser of the applicable appraisal district [~~tax assessor-collector~~] that the certified copy has been filed.

(e) A real property election for a manufactured home is not considered to be perfected [~~real property~~] until a certified copy of the statement of ownership and location has been filed and the department and the chief appraiser of the applicable appraisal district [~~tax assessor-collector~~] have been notified of the filing as provided by Subsection (d).

1 (g) After a real property election is perfected under
2 Subsection (e):

3 (1) the home is considered to be real property for all
4 purposes; and

5 (2) no additional issuance of a statement of ownership
6 and location is required with respect to the manufactured home,
7 unless:

8 (A) the home is moved from the location specified
9 on the statement of ownership and location;

10 (B) the real property election is changed; or

11 (C) the use of the property is changed as
12 described by Section 1201.216 [~~After the department and the tax~~
13 ~~assessor-collector note in their records that a real property~~
14 ~~election has been perfected, the home is considered to be real~~
15 ~~property for all purposes].~~

16 SECTION 2. Section 1201.207(c), Occupations Code, is
17 amended to read as follows:

18 (c) Except with respect to any change in use, servicing of a
19 loan on a manufactured home, release of a lien on a manufactured
20 home by an authorized lienholder, or change in ownership of a lien
21 on a manufactured home, but subject to Section 1201.2075, if the
22 department has issued a statement of ownership and location for a
23 manufactured home, the department may issue a subsequent statement
24 of ownership and location for the home only if all parties reflected
25 in the department's records as having an interest in the
26 manufactured home give their written consent or release their
27 interest, either in writing or by operation of law, or the

1 department has followed the procedures provided by Section
2 1201.206(k) to document ownership and lien status. Once the
3 department issues a statement of ownership and location, the
4 department may [~~shall~~] not alter the record of the ownership or lien
5 status, other than to change the record to accurately reflect the
6 proper owner's or lienholder's identity or to release a lien if an
7 authorized lienholder files with the department a request for that
8 release, of a manufactured home for any activity occurring before
9 the issuance of the statement of ownership and location without
10 either the written permission of the owner of record for the
11 manufactured home, their legal representative, or a court order.

12 SECTION 3. Section 1201.2076(a), Occupations Code, is
13 amended to read as follows:

14 (a) The department may not issue a statement of ownership
15 and location for a manufactured home that is being converted from
16 real property to personal property until the department has
17 inspected the home and determined that it is habitable and [~~has~~
18 ~~notified the appropriate tax assessor-collector of the conversion~~
19 ~~and~~]:

20 (1) each lien, including a tax lien, on the home is
21 released by the lienholder; or

22 (2) each lienholder, including a taxing unit, gives
23 written consent, to be placed on file with the department.

24 SECTION 4. Section 1201.217(a), Occupations Code, is
25 amended to read as follows:

26 (a) The owner of real property on which a manufactured home
27 owned by another is located may declare the home abandoned as

1 provided by this section if:

2 (1) the home has been continuously unoccupied for at
3 least four months; and

4 (2) any indebtedness secured by the ~~[manufactured]~~
5 home or related to a lease agreement between the owner of the real
6 property and the owner of the home is considered ~~[also]~~ delinquent.

7 SECTION 5. Section 1201.219, Occupations Code, is amended
8 by adding Subsection (b-1) and amending Subsections (c) and (d) to
9 read as follows:

10 (b-1) Notwithstanding any other law, a lien perfected with
11 the department may be released only by filing a request for the
12 release with the department on the form provided by the department
13 or by following the department's procedures for electronic lien
14 release on the department's Internet website. This subsection does
15 not apply to the release of a tax lien perfected with the
16 department.

17 (c) Notwithstanding any other provision of this section or
18 any other law, the filing of a lien security agreement on the
19 inventory of a retailer does not prevent a buyer in the ordinary
20 course of business, as defined by Section 1.201, Business &
21 Commerce Code, from acquiring good and marketable title free of
22 that lien, and the department may not consider that lien for the
23 purpose of title issuance.

24 (d) A ~~[Except as provided by Subsection (a), a]~~ tax lien on a
25 manufactured home not held in a retailer's inventory is perfected
26 only by filing with the department the notice of the tax lien on a
27 form provided by the department in accordance with the requirements

1 of Chapter 32, Tax Code. The form must require the disclosure of
 2 the original dollar amount of the tax lien and the name and address
 3 of the person in whose name the manufactured home is listed on the
 4 tax roll. The department shall disclose on its Internet website the
 5 date of each tax lien filing, the original amount of the tax lien
 6 claimed by each filing, and the fact that the amount shown does not
 7 include additional sums, including interest, penalties, and
 8 attorney's fees. The statement required by Section 1201.205(7) is
 9 notice to all persons that the tax lien exists. A tax lien recorded
 10 with the department has priority over another lien or claim against
 11 the manufactured home. Tax liens shall be filed by the tax
 12 collector for any taxing unit having the power to tax the
 13 manufactured home. A single filing by a tax collector is a filing
 14 for all the taxing units for which the tax collector is empowered to
 15 collect. A tax lien perfected with the department may be released
 16 only by filing with the department a tax certificate or tax paid
 17 receipt in accordance with Section 32.015, Tax Code, by filing a
 18 request for the release with the department on the form provided by
 19 the department, or by following the department's procedures for
 20 electronic tax lien release on the department's Internet website.

21 SECTION 6. Section 1201.220, Occupations Code, is amended
 22 to read as follows:

23 Sec. 1201.220. REPORT TO CHIEF APPRAISER [~~COUNTY TAX~~
 24 ~~ASSESSOR-COLLECTOR~~]. [~~(a)~~] The department shall make available in
 25 electronic format, or in hard-copy format on request, [provide] to
 26 each chief appraiser of an appraisal district [~~county tax~~
 27 ~~assessor-collector~~] in this state a monthly report that, for each

1 manufactured home reported as having been installed during the
2 preceding month in the county for which the district was
3 established [~~during the preceding month~~] and for each manufactured
4 home previously installed in the county for which a transfer of
5 ownership was recorded by the issuance of a statement of ownership
6 and location during the preceding month, lists:

7 (1) the name of the owner of the home;

8 (2) the name of the manufacturer of the home, if
9 available;

10 (3) the model designation of the home, if available;

11 (4) the identification number of each section or
12 module of the home;

13 (5) the address or location where the home was
14 reported as installed; and

15 (6) the reported date of the installation of the home.

16 [~~(b) The director shall provide a copy of the report to the~~
17 ~~chief appraiser of the appraisal district established for the~~
18 ~~county in which the home is reported as installed.~~]

19 SECTION 7. Section 1201.452(b), Occupations Code, is
20 amended to read as follows:

21 (b) If the home does not have the appropriate seal or label,
22 the person must:

23 (1) apply to the department for a seal; and

24 (2) pay the fee[, ~~and~~

25 [~~(3) submit to the department a copy of any written~~
26 ~~disclosure required under Section 1201.455(a)].~~

27 SECTION 8. The following sections of the Occupations Code

1 are repealed:

2 (1) Section 1201.2055(f); and

3 (2) Section 1201.206(d).

4 SECTION 9. This Act takes effect September 1, 2011.