

By: Carona

S.B. No. 1373

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. Section 1201.2055(e), Occupations Code, is amended to read as follows:

(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 tax assessor-collector have been notified of the filing as provided by Subsection (d).

SECTION 2. Section 1201.2076(a), Occupations Code, is amended to read as follows:

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

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

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

SECTION 3. Section 1201.217(a), Occupations Code, is amended to read as follows:

1 (a) The owner of real property on which a manufactured home
2 owned by another is located may declare the home abandoned as
3 provided by this section if:

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

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

9 SECTION 4. Section 1201.219(d), Occupations Code, is
10 amended to read as follows:

11 (d) A ~~[Except as provided by Subsection (a), a]~~ tax lien on a
12 manufactured home not held in a retailer's inventory is perfected
13 only by filing with the department the notice of the tax lien on a
14 form provided by the department in accordance with the requirements
15 of Chapter 32, Tax Code. The form must require the disclosure of
16 the original dollar amount of the tax lien and the name and address
17 of the person in whose name the manufactured home is listed on the
18 tax roll. The department shall disclose on its Internet website
19 the date of each tax lien filing, the original amount of the tax
20 lien claimed by each filing, and the fact that the amount shown does
21 not include additional sums, including interest, penalties, and
22 attorney's fees. The statement required by Section 1201.205(7) is
23 notice to all persons that the tax lien exists. A tax lien recorded
24 with the department has priority over another lien or claim against
25 the manufactured home. Tax liens shall be filed by the tax
26 collector for any taxing unit having the power to tax the
27 manufactured home. A single filing by a tax collector is a filing

1 for all the taxing units for which the tax collector is empowered to
2 collect.

3 SECTION 5. Section 1201.220, Occupations Code, is amended
4 to read as follows:

5 Sec. 1201.220. REPORT TO CHIEF APPRAISER [~~COUNTY TAX~~
6 ~~ASSESSOR-COLLECTOR~~]. [~~(a)~~] The department shall provide in
7 electronic format, or in hard-copy format on request, to each chief
8 appraiser of an appraisal district [~~county tax assessor-collector~~]
9 in this state a monthly report that, for each manufactured home
10 reported as having been installed during the preceding month in the
11 county for which the district was established [~~during the preceding~~
12 ~~month~~] and for each manufactured home previously installed in the
13 county for which a transfer of ownership was recorded by the
14 issuance of a statement of ownership and location during the
15 preceding month, lists:

- 16 (1) the name of the owner of the home;
- 17 (2) the name of the manufacturer of the home, if
18 available;
- 19 (3) the model designation of the home, if available;
- 20 (4) the identification number of each section or
21 module of the home;
- 22 (5) the address or location where the home was
23 reported as installed; and
- 24 (6) the reported date of the installation of the home.

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

1 SECTION 6. Section 1201.452(b), Occupations Code, is
2 amended to read as follows:

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

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

6 (2) pay the fee [~~and~~

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

9 SECTION 7. The following sections of the Occupations Code
10 are repealed:

11 (1) Section 1201.2055(f); and

12 (2) Section 1201.206(d).

13 SECTION 8. This Act takes effect September 1, 2011.