

BILL ANALYSIS

H.B. 3613
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Ways & Means
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The manufactured housing division of the Texas Department of Housing and Community Affairs has the responsibility for maintaining manufactured home ownership records. The division maintains such records in a centralized database of all manufactured home personal property ownership records, including lien information. Interested parties contend that, through a series of minor legislative improvements over the years, the centralized system works exceptionally well as the single source database system for consumers, regulators, and industry. However, the parties have expressed concern that, currently, the division does not have the statutory authority to remove from the centralized system delinquent liens older than four years on which no collection suit has been filed. H.B. 3613 seeks to address this concern.

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

H.B. 3613 amends the Tax Code to expand the conditions under which a tax lien on a manufactured home is extinguished, canceled, and removed from the title records of the home to include when no suit to collect a personal property tax lien has been filed and the lien has been delinquent for more than four years.

H.B. 3613 amends the Occupations Code to require a tax collector, on request by any person, to file a release of a manufactured home tax lien with the Texas Department of Housing and Community Affairs (TDHCA) if the four-year statute of limitations to file a suit for collection of delinquent personal property taxes has expired. The bill authorizes the TDHCA to request that a tax collector confirm that no tax suit has been timely filed on any manufactured home tax lien more than four years in delinquency. The bill authorizes the TDHCA to make the request electronically and authorizes a taxing authority to provide notice of the existence or absence of a timely filed tax suit electronically. The bill requires the TDHCA to remove from a manufactured home's statement of ownership and location a reference to any tax lien delinquent more than four years for which no suit has been timely filed if a tax collector confirms that no suit has been filed or the TDHCA has submitted to a tax collector two requests for confirmation sent not fewer than 15 days apart and has not received any response from the tax collector before the 60th day after the tax collector's receipt of the second request. The bill includes among the limited circumstances under which a tax lien on a manufactured home perfected with the TDHCA may be released a tax collector filing a tax lien release with the TDHCA as provided under the bill's provisions and the TDHCA removing a reference to a tax lien from a home's statement of ownership and location as provided under the bill's provisions.

EFFECTIVE DATE

September 1, 2013.