

By: Dutton

H.B. No. 3361

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the continuation and functions of the Texas Department
3 of Housing and Community Affairs; authorizing and otherwise
4 affecting the application of certain fees.

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

6 ARTICLE 1. GENERAL OPERATIONS AND ADMINISTRATION OF THE TEXAS
7 DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

8 SECTION 1.01. Section 2306.022, Government Code, is amended
9 to read as follows:

10 Sec. 2306.022. APPLICATION OF SUNSET ACT. The Texas
11 Department of Housing and Community Affairs is subject to Chapter
12 325 (Texas Sunset Act). Unless continued in existence as provided
13 by that chapter, the department is abolished and this chapter
14 expires September 1, 2025 [~~2013~~].

15 SECTION 1.02. Section 2306.043(c), Government Code, is
16 amended to read as follows:

17 (c) The notice must:

- 18 (1) include a brief summary of the alleged violation;
19 (2) state the amount of the recommended penalty; and
20 (3) inform the person of the person's right to a
21 hearing before the State Office of Administrative Hearings [~~board~~]
22 on the occurrence of the violation, the amount of the penalty, or
23 both.

24 SECTION 1.03. Section 2306.044(a), Government Code, is

1 amended to read as follows:

2 (a) Not later than the 20th day after the date the person
3 receives the notice, the person in writing may:

4 (1) accept the determination and recommended penalty
5 of the director; or

6 (2) make a request for a hearing before the State
7 Office of Administrative Hearings [~~board~~] on the occurrence of the
8 violation, the amount of the penalty, or both.

9 SECTION 1.04. Section 2306.045, Government Code, is amended
10 to read as follows:

11 Sec. 2306.045. HEARING. (a) If the person requests a
12 hearing before the State Office of Administrative Hearings [~~board~~]
13 or fails to respond in a timely manner to the notice, the director
14 shall set a hearing and give written notice of the hearing to the
15 person.

16 (b) The State Office of Administrative Hearings [~~board~~]
17 shall:

18 (1) hold the hearing;

19 (2) [~~and~~] make findings of fact and conclusions of law
20 about the occurrence of the violation and the amount of a proposed
21 penalty; and

22 (3) issue a proposal for decision regarding the
23 penalty and provide notice of the proposal to the board.

24 (c) Any administrative proceedings relating to the
25 imposition of a penalty under Section 2306.041 is a contested case
26 under Chapter 2001.

27 SECTION 1.05. Section 2306.046(a), Government Code, is

1 amended to read as follows:

2 (a) The board shall issue an order after receiving a
3 proposal for decision from the State Office of Administrative
4 Hearings under Section 2306.045. [~~Based on the findings of fact and~~
5 ~~conclusions of law, the board by order may:~~

6 [~~(1) find that a violation occurred and impose a~~
7 ~~penalty; or~~

8 [~~(2) find that a violation did not occur.~~]

9 SECTION 1.06. Section 2306.049(a), Government Code, is
10 amended to read as follows:

11 (a) Judicial review of a board order imposing an
12 administrative penalty is under the substantial evidence rule [~~by~~
13 ~~trial de novo~~].

14 SECTION 1.07. Section 2306.6721, Government Code, is
15 transferred to Subchapter B, Chapter 2306, Government Code,
16 redesignated as Section 2306.0504, Government Code, and amended to
17 read as follows:

18 Sec. 2306.0504 [~~2306.6721~~]. DEBARMENT FROM PROGRAM
19 PARTICIPATION. (a) The board by rule shall adopt a policy
20 providing for the debarment of a person from participation in
21 programs administered by the department [~~the low income housing tax~~
22 ~~credit program as described by this section~~].

23 (b) The department may debar a person from participation in
24 a department [~~the~~] program on the basis of the person's past failure
25 to comply with any condition imposed by the department in the
26 administration of its programs [~~connection with the allocation of~~
27 ~~housing tax credits~~].

1 (c) The department shall debar a person from participation
2 in a department [~~the~~] program if the person:

3 (1) materially or repeatedly violates any condition
4 imposed by the department in connection with the administration of
5 a department program, including a material or repeated violation of
6 a land use restriction agreement regarding a development supported
7 with a [~~allocation of~~] housing tax credit allocation [~~credits~~]; or

8 (2) is debarred from participation in federal housing
9 programs by the United States Department of Housing and Urban
10 Development [~~, or~~

11 [~~(3) is in material noncompliance with or has~~
12 ~~repeatedly violated a land use restriction agreement regarding a~~
13 ~~development supported with a housing tax credit allocation]~~.

14 (d) A person debarred by the department from participation
15 in a department [~~the~~] program may appeal the person's debarment to
16 the board.

17 ARTICLE 2. LOW INCOME HOUSING TAX CREDIT PROGRAM

18 SECTION 2.01. Section 2306.6710(b), Government Code, is
19 amended to read as follows:

20 (b) If an application satisfies the threshold criteria, the
21 department shall score and rank the application using a point
22 system that:

23 (1) prioritizes in descending order criteria
24 regarding:

25 (A) financial feasibility of the development
26 based on the supporting financial data required in the application
27 that will include a project underwriting pro forma from the

1 permanent or construction lender;

2 (B) quantifiable community participation with
3 respect to the development, evaluated on the basis of a resolution
4 concerning the development that is voted on and adopted by:

5 (i) the governing body of a municipality
6 ~~[written statements from any neighborhood organizations on record~~
7 ~~with the state or county in which the development is to be located~~
8 ~~and]~~ whose boundaries contain the proposed development site; or

9 (ii) the commissioners court of a county
10 whose boundaries contain the proposed development site, if the
11 proposed site is located outside the boundaries of a municipality;

12 (C) the income levels of tenants of the
13 development;

14 (D) the size and quality of the units;

15 (E) the commitment of development funding by
16 local political subdivisions;

17 (F) ~~[the level of community support for the~~
18 ~~application, evaluated on the basis of written statements from the~~
19 ~~state representative or the state senator that represents the~~
20 ~~district containing the proposed development site,~~

21 ~~[(G)]~~ the rent levels of the units;

22 (G) ~~[(H)]~~ the cost of the development by square
23 foot;

24 (H) ~~[(I)]~~ the services to be provided to tenants
25 of the development; ~~[and]~~

26 (I) ~~[(J)]~~ whether, at the time the complete
27 application is submitted or at any time within the two-year period

1 preceding the date of submission, the proposed development site is
2 located in an area declared to be a disaster under Section 418.014;
3 and

4 (J) quantifiable community participation with
5 respect to the development, evaluated on the basis of written
6 statements from any neighborhood organizations on record with the
7 state or county in which the development is to be located and whose
8 boundaries contain the proposed development site;

9 (2) uses criteria imposing penalties on applicants or
10 affiliates who have requested extensions of department deadlines
11 relating to developments supported by housing tax credit
12 allocations made in the application round preceding the current
13 round or a developer or principal of the applicant that has been
14 removed by the lender, equity provider, or limited partners for its
15 failure to perform its obligations under the loan documents or
16 limited partnership agreement; and

17 (3) encourages applicants to provide free notary
18 public service to the residents of the developments for which the
19 allocation of housing tax credits is requested.

20 SECTION 2.02. Section 2306.6718(b), Government Code, is
21 amended to read as follows:

22 (b) The department shall provide the elected officials with
23 an opportunity to comment on the application during the application
24 evaluation process [~~provided by Section 2306.6710~~] and shall
25 consider those comments in evaluating applications [~~under that~~
26 ~~section~~].

27 SECTION 2.03. Subchapter DD, Chapter 2306, Government Code,

1 is amended by adding Section 2306.6739 to read as follows:

2 Sec. 2306.6739. HOUSING TAX CREDITS FINANCED USING FEDERAL
3 EMERGENCY FUNDS. (a) To the extent the department receives federal
4 emergency funds that must be awarded by the department in the same
5 manner as and that are subject to the same limitations as awards of
6 housing tax credits, any reference in this chapter to the
7 administration of the housing tax credit program applies equally to
8 the administration of the federal funds, subject to Subsection (b).

9 (b) Notwithstanding any other law, the department may
10 establish a separate application procedure for the federal
11 emergency funds that does not follow the uniform application cycle
12 required by Section 2306.1111 or the deadlines established by
13 Section 2306.6724, and any reference in this chapter to an
14 application period occurring in relation to those federal emergency
15 funds refers to the period beginning on the date the department
16 begins accepting applications for the federal funds and continuing
17 until all of the available federal funds are awarded.

18 ARTICLE 3. MANUFACTURED HOUSING

19 SECTION 3.01. Section 2306.6022, Government Code, is
20 amended by adding Subsections (e) and (f) to read as follows:

21 (e) The division director may allow an authorized employee
22 of the division to dismiss a complaint if an investigation
23 demonstrates that:

24 (1) a violation did not occur; or

25 (2) the subject of the complaint is outside the
26 division's jurisdiction under this subchapter.

27 (f) An employee who dismisses a complaint under Subsection

1 (e) shall report the dismissal to the division director and the
2 board. The report must include a sufficient explanation of the
3 reason the complaint was dismissed.

4 SECTION 3.02. Subchapter AA, Chapter 2306, Government Code,
5 is amended by adding Section 2306.6023 to read as follows:

6 Sec. 2306.6023. NEGOTIATED RULEMAKING AND ALTERNATIVE
7 DISPUTE RESOLUTION. (a) The division shall develop and implement a
8 policy to encourage the use of:

9 (1) negotiated rulemaking procedures under Chapter
10 2008 for the adoption of division rules; and

11 (2) appropriate alternative dispute resolution
12 procedures under Chapter 2009 to assist in the resolution of
13 internal and external disputes under the division's jurisdiction.

14 (b) The division's procedures relating to alternative
15 dispute resolution must conform, to the extent possible, to any
16 model guidelines issued by the State Office of Administrative
17 Hearings for the use of alternative dispute resolution by state
18 agencies.

19 (c) The division shall:

20 (1) coordinate the implementation of the policy
21 adopted under Subsection (a);

22 (2) provide training as needed to implement the
23 procedures for negotiated rulemaking or alternative dispute
24 resolution; and

25 (3) collect data concerning the effectiveness of those
26 procedures.

27 SECTION 3.03. Section 1201.003(17), Occupations Code, is

1 amended to read as follows:

2 (17) "License holder" or "licensee" means a person who
3 holds a department-issued license as a manufacturer, retailer,
4 broker, [~~rebuilder~~] salesperson, or installer.

5 SECTION 3.04. Sections 1201.055(a) and (b), Occupations
6 Code, are amended to read as follows:

7 (a) With guidance from the federal Housing and Community
8 Development Act of 1974 (42 U.S.C. Section 5301 et seq.) and from
9 the rules and regulations adopted under the National Manufactured
10 Housing Construction and Safety Standards Act of 1974 (42 U.S.C.
11 Section 5401 et seq.), the board shall establish fees as follows:

12 (1) if the department acts as a design approval
13 primary inspection agency, a schedule of fees for the review of
14 HUD-code manufactured home blueprints and supporting information,
15 to be paid by the manufacturer seeking approval of the blueprints
16 and supporting information;

17 (2) except as provided by Subsection (e), a fee for the
18 inspection of each HUD-code manufactured home manufactured or
19 assembled in this state, to be paid by the manufacturer of the home;

20 (3) a fee for the inspection of an alteration made to
21 the structure or plumbing, heating, or electrical system of a
22 HUD-code manufactured home, to be charged on an hourly basis and to
23 be paid by the person making the alteration;

24 (4) a fee for the inspection of the rebuilding of a
25 salvaged manufactured home, to be paid by the retailer [~~rebuilder~~];

26 (5) a fee for the inspection of a used manufactured
27 home to determine whether the home is habitable for the issuance of

1 a new statement of ownership and location; and

2 (6) a fee for the issuance of a seal for a used mobile
3 or HUD-code manufactured home.

4 (b) In addition to the fees imposed under Subsections
5 (a)(2), (3), and (4), a manufacturer or [~~7~~] a person making an
6 alteration, [~~or a rebuilder,~~] as appropriate, shall be charged for
7 the actual cost of travel of a department representative to and
8 from:

9 (1) the manufacturing facility, for an inspection
10 described by Subsection (a)(2); or

11 (2) the place of inspection, for an inspection
12 described by Subsection (a)(3) or (4).

13 SECTION 3.05. Section 1201.056, Occupations Code, is
14 amended to read as follows:

15 Sec. 1201.056. LICENSE FEES. (a) The board shall establish
16 fees for the issuance and renewal of licenses for:

- 17 (1) manufacturers;
18 (2) retailers;
19 (3) brokers;
20 (4) salespersons; and
21 (5) [~~rebuilders, and~~
22 [~~6~~] installers.

23 (b) The board by rule may establish a fee for reprinting a
24 license issued under this chapter.

25 SECTION 3.06. Sections 1201.101(e) and (f-1), Occupations
26 Code, are amended to read as follows:

27 (e) A person may not repair, rebuild, or otherwise alter a

1 salvaged manufactured home unless the person holds a [~~rebuilder's~~
2 ~~or~~] retailer's license.

3 (f-1) A retailer may not be licensed to operate more than
4 [~~at a principal location and~~] one location [~~or more branch~~
5 ~~locations~~] under a single license[~~, provided, however, that a~~
6 ~~separate application must be made for each branch, and each branch~~
7 ~~must be separately bonded~~].

8 SECTION 3.07. Sections 1201.103(a) and (b), Occupations
9 Code, are amended to read as follows:

10 (a) An applicant for a license as a manufacturer, retailer,
11 broker, [~~rebuilder,~~] or installer must file with the director a
12 license application containing:

13 (1) the legal name, address, and telephone number of
14 the applicant and each person who will be a related person at the
15 time the requested license is issued;

16 (2) all trade names, and the names of all other
17 business organizations, under which the applicant does business
18 subject to this chapter, the name of each such business
19 organization registered with the secretary of state, and the
20 address of such business organization;

21 (3) the dates on which the applicant became the owner
22 and operator of the business; and

23 (4) the location to which the license will apply.

24 (b) A license application must be accompanied by:

25 (1) proof of the security required by this subchapter;

26 [~~and~~]

27 (2) payment of the fee required for issuance of the

1 license; and

2 (3) the information and the cost required under
3 Section 1201.1031.

4 SECTION 3.08. Subchapter C, Chapter 1201, Occupations Code,
5 is amended by adding Section 1201.1031 to read as follows:

6 Sec. 1201.1031. CRIMINAL HISTORY RECORD INFORMATION
7 REQUIREMENT FOR LICENSE. (a) The department shall require that an
8 applicant for a license or renewal of an unexpired license submit a
9 complete and legible set of fingerprints, on a form prescribed by
10 the board, to the department or to the Department of Public Safety
11 for the purpose of obtaining criminal history record information
12 from the Department of Public Safety and the Federal Bureau of
13 Investigation. The applicant is required to submit a set of
14 fingerprints only once under this section unless a replacement set
15 is otherwise needed to complete the criminal history check required
16 by this section.

17 (b) The department shall refuse to issue a license to or
18 renew the license of a person who does not comply with the
19 requirement of Subsection (a).

20 (c) The department shall conduct a criminal history check of
21 each applicant for a license or renewal of a license using
22 information:

23 (1) provided by the individual under this section; and

24 (2) made available to the department by the Department
25 of Public Safety, the Federal Bureau of Investigation, and any
26 other criminal justice agency under Chapter 411, Government Code.

27 (d) The department may enter into an agreement with the

1 Department of Public Safety to administer a criminal history check
2 required under this section.

3 (e) The applicant shall pay the cost of a criminal history
4 check under this section.

5 SECTION 3.09. Section 1201.104(a), Occupations Code, is
6 amended to read as follows:

7 (a) Except as provided by Subsection (g), as a requirement
8 for a manufacturer's, retailer's, broker's, installer's, [~~salvage~~
9 ~~rebuilder's,~~] or salesperson's license, a person who was not
10 licensed or registered with the department or a predecessor agency
11 on September 1, 1987, must, not more than 12 months before applying
12 for the person's first license under this chapter, attend and
13 successfully complete eight hours of instruction in the law,
14 including instruction in consumer protection regulations.

15 SECTION 3.10. Section 1201.106(a), Occupations Code, is
16 amended to read as follows:

17 (a) An applicant for a license or a license holder shall
18 file a bond or other security under Section 1201.105 for the
19 issuance or renewal of a license in the following amount:

- 20 (1) \$100,000 for a manufacturer;
21 (2) \$50,000 for a retailer [~~retailer's principal~~
22 ~~location~~];
23 (3) [~~\$50,000 for each retailer's branch location,~~
24 [~~(4)~~ ~~\$50,000 for a rebuilder,~~
25 [~~(5)~~] \$50,000 for a broker; or
26 (4) [~~(6)~~] \$25,000 for an installer.

27 SECTION 3.11. Section 1201.110, Occupations Code, is

1 amended to read as follows:

2 Sec. 1201.110. SECURITY: DURATION. The department shall
3 maintain on file a security other than a bond canceled as provided
4 by Section 1201.109(a) until the later of:

5 (1) the second anniversary of the date the
6 manufacturer, retailer, broker, or installer [~~, or, or-rebuilder~~]
7 ceases doing business; or

8 (2) the date the director determines that a claim does
9 not exist against the security.

10 SECTION 3.12. Section 1201.116(a), Occupations Code, is
11 amended to read as follows:

12 (a) The department shall renew a license if, before the
13 expiration date of the license, the department receives the renewal
14 application and payment of the required fee as well as the cost
15 required under Section 1201.1031 [~~before the expiration date of the~~
16 ~~license~~].

17 SECTION 3.13. Section 1201.357, Occupations Code, is
18 amended by adding Subsection (b-1) to read as follows:

19 (b-1) As authorized by Section 1201.6041, the director may
20 order a manufacturer, retailer, or installer, as applicable, to pay
21 a refund directly to a consumer as part of an agreed order described
22 by Subsection (b) instead of or in addition to instituting an
23 administrative action under this chapter.

24 SECTION 3.14. Section 1201.461(d), Occupations Code, is
25 amended to read as follows:

26 (d) A person may not sell, convey, or otherwise transfer to
27 a consumer in this state a manufactured home that is salvaged. A

1 salvaged manufactured home may be sold only to a licensed retailer
2 [~~or licensed rebuilder~~].

3 SECTION 3.15. Subchapter M, Chapter 1201, Occupations Code,
4 is amended by adding Section 1201.6041 to read as follows:

5 Sec. 1201.6041. DIRECT CONSUMER COMPENSATION. (a) Instead
6 of requiring a consumer to apply for compensation from the trust
7 fund under Subchapter I, the director may order a manufacturer,
8 retailer, broker, or installer, as applicable, to pay a refund
9 directly to a consumer who sustains actual damages resulting from
10 an unsatisfied claim against a licensed manufacturer, retailer,
11 broker, or installer if the unsatisfied claim results from a
12 violation of:

13 (1) this chapter;

14 (2) a rule adopted by the director;

15 (3) the National Manufactured Housing Construction
16 and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.);

17 (4) a rule or regulation of the United States
18 Department of Housing and Urban Development; or

19 (5) Subchapter E, Chapter 17, Business & Commerce
20 Code.

21 (b) For purposes of this section, the refund of a consumer's
22 actual damages is determined according to Section 1201.405.

23 (c) The director shall prepare information for notifying
24 consumers of the director's option to order a direct refund under
25 this section, shall post the information on the department's
26 Internet website, and shall make printed copies available on
27 request.

1 SECTION 3.16. Sections 1201.610(a), (b), and (f),
2 Occupations Code, are amended to read as follows:

3 (a) The [~~If the director has reasonable cause to believe~~
4 ~~that a person licensed under this chapter has violated or is about~~
5 ~~to violate any provision of this chapter or rules adopted by the~~
6 ~~department under this chapter, the~~] director may issue without
7 notice and hearing an order to cease and desist from continuing a
8 particular action or an order to take affirmative action, or both,
9 to enforce compliance with this chapter if the director has
10 reasonable cause to believe that a person has violated or is about
11 to violate any provision of this chapter or a rule adopted under
12 this chapter.

13 (b) The director may issue an order to any person [~~licensee~~]
14 to cease and desist from violating any law, rule, or written
15 agreement or to take corrective action with respect to any such
16 violations if the violations in any way are related to the sale,
17 financing, or installation of a manufactured home or the providing
18 of goods or services in connection with the sale, financing, or
19 installation of a manufactured home unless the matter that is the
20 basis of such violation is expressly subject to inspection and
21 regulation by another state agency; provided, however, that if any
22 matter involves a law that is subject to any other administration or
23 interpretation by another agency, the director shall consult with
24 the person in charge of the day-to-day administration of that
25 agency before issuing an order.

26 (f) If a person licensed under this chapter fails to pay an
27 administrative penalty that has become final or fails to comply

1 with an order of the director that has become final, in addition to
2 any other remedy provided by law, the director, after not less than
3 10 days' notice to the person, may without a prior hearing suspend
4 the person's license. The suspension shall continue until the
5 person has complied with the cease and desist order or paid the
6 administrative penalty. During the period of suspension, the
7 person may not perform any act requiring a license under this
8 chapter, and all compensation received by the person during the
9 period of suspension is subject to forfeiture to the person from
10 whom it was received.

11 SECTION 3.17. Section 1302.061, Occupations Code, is
12 amended to read as follows:

13 Sec. 1302.061. MANUFACTURED HOMES. This chapter does not
14 apply to a person or entity licensed as a manufacturer, retailer,
15 ~~[rebuilder]~~ or installer under Chapter 1201 and engaged
16 exclusively in air conditioning and refrigeration contracting for
17 manufactured homes if the installation of air conditioning
18 components at the site where the home will be occupied is performed
19 by a person licensed under this chapter.

20 ARTICLE 4. WEATHERIZATION ASSISTANCE PROGRAM

21 SECTION 4.01. Section 39.905(f), Utilities Code, is amended
22 to read as follows:

23 (f) Unless funding is provided under Section 39.903, each
24 unbundled transmission and distribution utility shall include in
25 its energy efficiency plan a targeted low-income energy efficiency
26 program as described by Section 39.903(f)(2), and the savings
27 achieved by the program shall count toward the transmission and

1 distribution utility's energy efficiency goal. The commission
2 shall determine the appropriate level of funding to be allocated to
3 both targeted and standard offer low-income energy efficiency
4 programs in each unbundled transmission and distribution utility
5 service area. The level of funding for low-income energy
6 efficiency programs shall be provided from money approved by the
7 commission for the transmission and distribution utility's energy
8 efficiency programs. The commission shall ensure that annual
9 expenditures for the targeted low-income energy efficiency
10 programs of each unbundled transmission and distribution utility
11 are not less than 10 percent of the transmission and distribution
12 utility's energy efficiency budget for the year. A targeted
13 low-income energy efficiency program must comply with the same
14 audit requirements that apply to federal weatherization
15 subrecipients. In an energy efficiency cost recovery factor
16 proceeding related to expenditures under this subsection, the
17 commission shall make findings of fact regarding whether the
18 utility meets requirements imposed under this subsection. The
19 state agency that administers the federal weatherization
20 assistance program shall ~~[provide reports as required by the~~
21 ~~commission to provide the most current information available on~~
22 ~~energy and peak demand savings achieved in each transmission and~~
23 ~~distribution utility service area. The agency shall]~~ participate
24 in energy efficiency cost recovery factor proceedings related to
25 expenditures under this subsection to ensure that targeted
26 low-income weatherization programs are consistent with federal
27 weatherization programs and adequately funded.

ARTICLE 5. REPEALER

SECTION 5.01. The following provisions of the Government Code are repealed:

- (1) Section 2306.255(h);
- (2) Section 2306.560(d); and
- (3) Section 2306.6710(f).

ARTICLE 6. TRANSITION PROVISIONS

SECTION 6.01. The change in law made by this Act to Sections 2306.043, 2306.044, 2306.045, 2306.046, and 2306.049, Government Code, applies only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

SECTION 6.02. The change in law made by this Act to Section 2306.6022, Government Code, applies only to a complaint filed on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in effect at the time the complaint was filed, and the former law is continued in effect for that purpose.

SECTION 6.03. The changes in law made by this Act to Sections 2306.6710 and 2306.6718, Government Code, apply only to an application for low income housing tax credits that is submitted to the Texas Department of Housing and Community Affairs during an application cycle that begins on or after the effective date of this Act. An application that is submitted during an application cycle that began before the effective date of this Act is governed by the

1 law in effect at the time the application cycle began, and the
2 former law is continued in effect for that purpose.

3 SECTION 6.04. Notwithstanding Sections 1201.101(f-1) and
4 1201.106(a), Occupations Code, as amended by this Act, a retailer
5 licensed to operate one or more branch locations on or before the
6 effective date of this Act is not required to comply with the
7 changes in law made by those sections until March 1, 2014.

8 SECTION 6.05. (a) The change in law made by this Act in
9 amending Sections 1201.103 and 1201.104, Occupations Code, applies
10 only to an application for a license filed with the executive
11 director of the manufactured housing division of the Texas
12 Department of Housing and Community Affairs on or after the
13 effective date of this Act. An application for a license filed
14 before that date is governed by the law in effect on the date the
15 application was filed, and the former law is continued in effect for
16 that purpose.

17 (b) The change in law made by this Act in adding Section
18 1201.1031, Occupations Code, applies only to an application for a
19 license or license renewal filed with the executive director of the
20 manufactured housing division of the Texas Department of Housing
21 and Community Affairs on or after the effective date of this Act.
22 An application for a license or license renewal filed before that
23 date is governed by the law in effect on the date the application
24 was filed, and the former law is continued in effect for that
25 purpose.

26 (c) The change in law made by this Act in amending Section
27 1201.116, Occupations Code, applies only to an application for a

1 license renewal filed with the executive director of the
2 manufactured housing division of the Texas Department of Housing
3 and Community Affairs on or after the effective date of this Act.
4 An application for a license renewal filed before that date is
5 governed by the law in effect on the date the application was filed,
6 and the former law is continued in effect for that purpose.

7 ARTICLE 7. EFFECTIVE DATE

8 SECTION 7.01. This Act takes effect September 1, 2013.