

BILL ANALYSIS

S.B. 1248
By: Buckingham
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that some manufactured home communities existed before any applicable municipal zoning or were located in areas originally outside a municipality's jurisdiction and that certain portions of land in those communities are considered a nonconforming use by a municipality. The parties contend that some municipalities interpret municipal ordinances in a manner that would disincentivize residents in those communities from updating or replacing their homes. S.B. 1248 seeks to preserve existing manufactured home communities and the property rights of property owners in those communities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

S.B. 1248 amends the Local Government Code to prohibit the governing body of a municipality from requiring a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if the nonconforming use of the land constituting the manufactured home community is authorized by law and if at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence. The bill specifies that requiring a change in the nonconforming use includes requiring the number of manufactured home lots designated as a nonconforming use to be decreased and declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

S.B. 1248 authorizes a manufactured home owner to install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with nonconforming land use standards applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law and comply with all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance. The bill authorizes a municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain to prohibit the installation of a manufactured home in a manufactured home community on a manufactured

home lot that is located in an equivalently designated floodplain.

S.B. 1248 prohibits the governing body of a municipality from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

EFFECTIVE DATE

September 1, 2017.