

By: Lucio III

H.B. No. 1852

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of manufactured home communities.

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any portion of land within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community:

(A) is authorized by law; or

(B) is not authorized by law on September 1, 2017, but the municipality has taken no action to enforce the violation of the applicable municipal regulations before September 1, 2017; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

1 (1) requiring the amount of land designated as a
2 nonconforming use to be decreased;

3 (2) imposing an expiration on the nonconforming use
4 designation;

5 (3) declaring that the nonconforming use of the land
6 has been abandoned; and

7 (4) requiring an amortization period for the
8 nonconforming use of the land.

9 (d) For purposes of Subsection (b)(2), any period during
10 which a manufactured home used as a residence is removed from a
11 manufactured home lot for repair of the home or replacement of the
12 home by another manufactured home used as a residence is included in
13 the period during which the manufactured home lot is considered
14 occupied by the manufactured home.

15 (e) A manufactured home owner may install a new or used
16 manufactured home, regardless of the size, or any appurtenance on a
17 manufactured home lot located on land in a manufactured home
18 community and for which a nonconforming use is authorized by law or
19 has been otherwise allowed under Subsection (b)(1)(B), provided
20 that the manufactured home or appurtenance and the installation of
21 the manufactured home or appurtenance comply with:

22 (1) nonconforming land use standards, including
23 standards relating to separation and setback distances and lot
24 size, applicable on:

25 (A) for an authorized nonconforming use, the date
26 the nonconforming use of the land constituting the manufactured
27 home community was authorized by law; or

1 (B) for a nonconforming use under Subsection
2 (b)(1)(B), September 1, 2017; and

3 (2) all applicable state and federal law and standards
4 in effect on the date of the installation of the manufactured home
5 or appurtenance.

6 SECTION 2. Subchapter Z, Chapter 214, Local Government
7 Code, is amended by adding Section 214.906 to read as follows:

8 Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES.

9 (a) "Manufactured home" has the meaning assigned by Section
10 1201.003, Occupations Code.

11 (b) Notwithstanding any other law, the governing body of a
12 municipality may not regulate a tract or parcel of land as a
13 manufactured home community, park, or subdivision unless the tract
14 or parcel contains at least four spaces offered for lease for
15 installing and occupying manufactured homes.

16 SECTION 3. This Act takes effect September 1, 2017.