

By: McQueeney

H.B. No. 3527

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of manufactured homes.

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

SECTION 1. Section 9.102(53), Business & Commerce Code, is amended to read as follows:

(53) "Manufactured home" has the meaning assigned by 42 U.S.C. Section 5402(6) ~~[means a structure, transportable in one or more sections, that, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under Title 42 of the United States Code].~~

SECTION 2. Section 1201.003(12), Occupations Code, is amended to read as follows:

(12) "HUD-code manufactured home" has the meaning assigned by 42 U.S.C. Section 5402(6). The term ~~[+~~

~~[(A) means a structure:~~

1                   ~~[(i) constructed on or after June 15, 1976,~~  
2 ~~according to the rules of the United States Department of Housing~~  
3 ~~and Urban Development,~~

4                   ~~[(ii) built on a permanent chassis,~~

5                   ~~[(iii) designed for use as a dwelling with~~  
6 ~~or without a permanent foundation when the structure is connected~~  
7 ~~to the required utilities,~~

8                   ~~[(iv) transportable in one or more~~  
9 ~~sections; and~~

10                   ~~[(v) in the traveling mode, at least eight~~  
11 ~~body feet in width or at least 40 body feet in length or, when~~  
12 ~~erected on site, at least 320 square feet,~~

13                   ~~[(B) includes the plumbing, heating, air~~  
14 ~~conditioning, and electrical systems of the home; and~~

15                   ~~[(C)]~~ does not include a recreational vehicle as  
16 defined by 24 C.F.R. Section 3282.15(b) ~~[3282.8(g)]~~.

17           SECTION 3. Section 1201.103(a-1), Occupations Code, is  
18 amended to read as follows:

19           (a-1) All required records of a licensee under Subsection  
20 (a) are to be maintained at the licensee's principal office or such  
21 other location ~~[within this state]~~ as the licensee may designate. A  
22 licensee may maintain required records under this subsection  
23 electronically if the licensee can produce the record on request by  
24 the department for review.

25           SECTION 4. Section 1201.162(a), Occupations Code, is  
26 amended to read as follows:

27           (a) Before the completion of a credit application or ~~[more~~

~~than one day~~] before entering into any agreement for a sale or exchange that will not be financed, the retailer must provide to the consumer a written disclosure in the form promulgated by the board. The disclosure shall be in at least 12-point type and must address matters of concern relating to costs and obligations that may be associated with home ownership, matters to be considered in making financing decisions, related costs that may arise when purchasing a manufactured home, and such other matters as the board may deem appropriate to promote informed purchase, financing, and related decisions regarding the acquisition and ownership of a manufactured home. The form shall also conspicuously disclose the consumer's right of rescission.

SECTION 5. Section [1201.164](#), Occupations Code, is amended to read as follows:

Sec. 1201.164. CONSUMER MODIFICATION OR WAIVER OF RIGHT OF RESCISSION [~~ADVANCE COPY OF SALES PURCHASE CONTRACT AND DISCLOSURE STATEMENTS, OFFER BY RETAILER~~]. [~~(a) In a transaction that is to be financed and that will not be subject to the federal Real Estate Settlement Procedures Act of 1974 (Pub. L. No. 93-533) and its implementing regulations, a retailer shall deliver to a consumer at least 24 hours before the sales purchase contract is fully executed the contract, with all required information included, signed by the retailer. The delivery of the contract, with all required information included, signed by the retailer constitutes a firm offer by the retailer. Except as provided for by Subsection (b), the consumer may accept the offer not earlier than 24 hours after the delivery of the contract. If the consumer has not accepted the~~

1 ~~offer within 72 hours after the delivery of the contract, the~~  
2 ~~retailer may withdraw the offer.~~

3       ~~[(b)]~~ Before the execution of the sales purchase contract,  
4 the consumer may modify or waive the right to rescind ~~[and the~~  
5 ~~deadlines for disclosures that are provided by Subsection (a)]~~ if  
6 the consumer determines that the purchase of the manufactured home  
7 is needed to meet a bona fide personal emergency. If the consumer  
8 has a bona fide personal emergency that necessitates the immediate  
9 purchase of the manufactured home, the consumer shall give the  
10 retailer a dated written statement that describes the emergency,  
11 specifically modifies or waives the ~~[notice periods and any]~~ right  
12 of rescission, and bears the signature of all of the consumers  
13 entitled to the ~~[disclosures and]~~ right of rescission. In such  
14 event the retailer shall immediately give the consumer all of the  
15 disclosures required by this code and sell the manufactured home  
16 without ~~[the required waiting periods or]~~ the right of rescission.  
17 The department shall verify with the consumer the consumer's bona  
18 fide personal emergency before issuing the statement of ownership.

19       SECTION 6. This Act takes effect September 1, 2025.