

Summary of Proposed Amendments to Manufactured Housing Division Rules Title 10, Chapter 80, Texas Administrative Code

The Manufactured Housing Division proposes amending the following rules: 10 Texas Administrative Code, Chapter 80, §§80.41(c)(2), 80.41(g) and 80.92, relating to the regulation of the manufactured housing program. The rules were revised to comply with House Bill 2706 (88th Legislature, 2023 regular session) that amends the Manufactured Housing Standards Act, elaborate on penalties for cheating on the Manufactured Housing Division Licensing exam, and for clarification purposes.

10 Texas Administrative Code. §80.41(c)(2)(A) - (C) were added to assist the Manufactured Housing Division with enforcement of §1201.551(a)(7) when an individual attempts to cheat or assist an individual with cheating on any of the Manufactured Housing Division Licensing exams. The exam is now offered online and the Manufactured Housing Division clarified the means to penalize cheating when discovered via denial, suspension, or revocation of their Manufactured Housing Division License.

10 Texas Administrative Code §80.41(g) was changed to implement changes made through House Bill 2706 adopted during the 88th Texas Legislative Session. House Bill 2706, added subsection (a-1) and amended subsection (c) of §1201.1025 of the Texas Occupations Code. This change allowed a person to be exempt from the requirement of obtaining a retailer's license if all the manufactured homes sold or offered to be sold are located in a manufactured home community, and sold to the same purchaser in connection with a sale of the real property. The amendment to §80.41(g) of the Texas Administrative Code, clarifies the process to exercise this exemption. The amendment to §1201.1025 of the Texas Occupations Code, adding a retailer license exemption, took effect on September 1, 2023.

10 Texas Administrative Code §80.92 was repealed to align with changes made through House Bill 2706 adopted during the 88th Texas Legislative Session. House Bill 2706, removed the requirement that inventory liens on manufactured homes be perfected through the Manufactured Housing Division. §1201. 219 (a) and (c) of the Texas Occupations Code was amended to state a lien on manufactured homes in inventory is now perfected only by filing a finance statement in accordance with §9.310, Business and Commerce Code related to security interests for inventory. The amendment to §1201.219 (a) and (c) of the Texas Occupations Code took effect on September 1, 2023.