



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
August 7, 2009

Michael H. Bray, Chair

Devora D. Mitchell, Member

Pablo Schneider, Member

Sheila M. Vallés-Pankratz, Member

Donnie W. Wisenbaker, Member

**Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting**

August 7, 2009

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Michael H. Bray, Chair	_____	_____
Devora D. Mitchell, Member	_____	_____
Pablo Schneider, Member	_____	_____
Sheila M. Vallés-Pankratz, Member	_____	_____
Donnie W. Wisenbaker, Member	_____	_____
Number Present	_____	
Number Absent		_____

_____, Presiding Officer

MANUFACTURED HOUSING BOARD MEETING
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
Rusk State Office Building, 208 E. 10th Street, Room 227
Austin, Texas 78701
August 7, 2009 11:00 a.m.

AGENDA

CALL TO ORDER, ROLL CALL Chair

CERTIFICATION OF QUORUM Chair

The Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs (TDHCA) will meet to consider and possibly act upon:

ACTION ITEMS

- | | | |
|---------|---|-----------------|
| Item 1. | Consideration and action to approve the minutes of the board meeting on June 12, 2009. | Chair |
| Item 2. | Report of the Finance and Audit Committee Meeting: Presentation, discussion and consideration to approve the FY 2010 Operating Budget. | Pablo Schneider |
| Item 3. | Report of the Finance and Audit Committee Meeting: Presentation, discussion and consideration to approve the execution of amendment to the Administrative Services Agreement for FY 2010 between the Manufactured Housing Division and TDHCA. | Pablo Schneider |
| Item 4. | Consideration and possible action to approve proposed new and amended rules to 10 TAC, Chapter 80 for publication in the Texas Register for public comment. | Joe Garcia |

REPORT ITEMS

- | | |
|--------------------------------|---------------|
| 1. Executive Director's Report | Joe Garcia |
| 2. Sunset Review Report | Amy Morehouse |

PUBLIC COMMENT Chair

EXECUTIVE SESSION Chair

Note: The Board may go into executive session (close its meeting to the public) on any agenda item if appropriate and authorized by the Open Meetings Act, Texas Government Code, Chapter 551.

- (a) If necessary, the Board will go into executive session to discuss Personnel Matters pursuant to Sec. 551.074, Texas Government Code.
- (b) If necessary, the Board will go into executive session for Consultation with Attorney pursuant to Sec. 551.071, Texas Government Code.

RECONVENE Chair

Reconvene in public session and take action on any matters coming out of Executive Session.

ADJOURN Chair

To access this agenda or request information, please visit our website at www.tdhca.state.tx.us or contact Sharon Choate, TDHCA, 221 E. 11th Street, Austin, Texas 78701, 512-475-2206, sharon.choate@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or translators for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Agenda Action Item No. 1

**MINUTES OF THE REGULAR MEETING OF THE
MANUFACTURED HOUSING BOARD**

On Friday, June 12, 2009, at 10:04 a.m., there was a regular meeting of the Manufactured Housing Board (the "Board") in Room 227 of the Rusk State Office Building, 208 East 10th Street, Austin, Texas. Michael Bray presided. Devora Mitchell, Pablo Schneider, Sheila Vallés-Pankratz, and Donnie Wisenbaker, constituting a quorum, attended. The following Manufactured Housing Division (the "MHD") staff were present: Joe Garcia, Amy Morehouse, Kassu Asfaw, Jim Hicks, Cindy Bocz, Heidi Maldonado, Jennifer Dillard, and Sharon Choate. From the Texas Department of Housing and Community Affairs (other than the MHD) David Cervantes and Tim Irvine were present.

Michael Bray called the roll, confirmed the presence of a quorum, and asked for a motion to approve the minutes from the board meeting on May 8, 2009. Upon motion of Sheila Vallés-Pankratz, duly seconded by Devora Mitchell, the minutes of the previous meeting were unanimously approved.

Amy Morehouse presented for discussion and action the reconsideration of the State Office of Administrative Hearings Proposal for Decision and the Division's final order in the Matter of the Complaint of TDHCA vs. Southwest Mobile Homes F/K/A Lonestar Liquidators, Retailer License No. RBI-36097, Docket Number: 332-08-4283. Sheila Vallés-Pankratz made a motion to approve upon amendment to the order to increase the fine to \$3,000, duly seconded by Donnie Wisenbaker, the motion was unanimously approved.

Joe Garcia presented for discussion and action the consideration to approve the relocation of the Manufactured Housing Division's Austin Headquarters. Kassu Asfaw reported on the moving expenses and budget costs. Upon motion of Sheila Vallés-Pankratz, duly seconded by Donnie Wisenbaker, the motion to approve relocating the headquarters was unanimously approved.

Joe Garcia presented for discussion and consideration the possible expansion of the educational components. After discussion, it was determined that no formal action would be taken until after March 2010.

At 11:30 a.m., the Board went into Executive Session to discuss personnel matters pursuant to Sec. 551.074, Texas Government Code, relating to the Executive Director's evaluation.

The board reconvened in open session at 12:14 p.m.

There was no action taken coming out of the executive session.

The next board meeting was tentatively set for Friday, August 7, 2009, at 10:00 a.m.

There being no further business to come before the board, the meeting was adjourned at 12:15 p.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair

Texas Department of Housing and Community Affairs
 Historical Budget Analysis
 Manufactured Housing Division
 For FY 2010 and 2009

Agenda Action Item No. 2

D R A F T

Budget Categories	FY 10 Budget (a)	FY 09 Budget (b)	Variance (a-b)	Percentage Change
Salaries and Wages	\$ 3,418,627	\$ 3,343,627	\$ 75,000	2%
Payroll Related Costs	957,216	946,216	11,000	1%
Travel In-State	300,000	200,000	100,000	50%
Travel Out-of State	0	0	0	0%
Home Owner Consumer Claims (Rider # 13)	300,000	300,000	0	0%
Professional Fees	44,000	209,000	-165,000	-79%
Materials and Supplies	105,250	146,790	-41,540	-28%
Repairs/Maintenance	74,279	55,000	19,279	35%
Printing and Reproduction	40,160	56,000	-15,840	-28%
Rental/Lease	163,209	55,000	108,209	197%
Membership Dues	500	802	-302	-38%
Staff Development	33,400	36,978	-3,578	-10%
Texas Online	19,120	19,120	0	0%
Employee Tuition	500	0	500	100%
Advertising	0	250	-250	-100%
Freight/Delivery	1,500	1,500	0	0%
Temporary Help	62,000	100,000	-38,000	-38%
Furniture/Equipment	12,000	12,150	-150	-1%
Communications/Utilities	110,000	107,000	3,000	3%
Capital Outlay - Computers/Server	35,772	32,566	3,206	10%
State Office of Risk Management	10,000	10,000	0	0%
Subtotal	5,687,533	5,631,999	55,534	1%
Indirect Support	512,127	512,127	-	0%
Total Manufactured Housing *	\$ 6,199,660	\$ 6,144,126	\$ 55,534	1%
FTE's	64	64	-	0%
Method of Finance:				
General Revenue	19,120	19,120	-	0%
Appropriated Receipts	5,880,540	5,825,006	55,534	1%
Federal Funds	300,000	300,000	-	0%
Total Method of Finance	\$ 6,199,660	\$ 6,144,126	\$ 55,534	1%

*** NOTE: Breakdown of the Total Budget:**

- \$ 4,730,317 - Total Direct Strategies Appropriations to MHD
 - \$ 957,216 - Payroll related costs - an indirect appropriation, which is a state-wide allocation by the Comptroller; it's included here for assessment or information purpose.
 - \$ 512,127 - Administrative Support costs - an indirect appropriation, which is the service contract fees with the TDHCA; it's included here for assessment or information purpose.
- \$6,199,660**

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Operating Budget Allocation to Direct Strategies
 For FY 2010**

Description	Expenditures	E.1.1. SOL& Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 3,418,627	1,240,738	1,113,774	1,064,115	\$ -	\$ 3,418,627
Payroll Related Costs	957,216	379,245	301,508	276,463	-	957,216
Travel In-State	300,000	12,000	284,000	4,000	-	300,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0	0	300,000	-	300,000
Professional Fees	44,000	15,400	14,520	14,080	-	44,000
Materials and Supplies	105,250	81,057	12,937	11,257	-	105,250
Repairs/Maintenance	74,279	25,998	24,512	23,769	-	74,279
Printing and Reproduction	40,160	29,160	0	11,000	-	40,160
Rental/Lease	163,209	57,123	53,859	52,227	-	163,209
Membership Dues	500	175	165	160	-	500
Registration Fees	33,400	11,690	11,022	10,688	-	33,400
Texas Online	19,120		0	0	19,120	19,120
Employee Tuition	500	175	165	160	-	500
Advertising	0	0	0	0	-	0
Freight/Delivery	1,500	525	495	480	-	1,500
Temporary Help	62,000	54,000	4,000	4,000	-	62,000
Furniture/Equipment	12,000	4,200	3,960	3,840	-	12,000
Communications/Utilities	110,000	38,500	43,723	27,777	-	110,000
Capital Outlay - Computers/Server	35,772	12,520	11,805	11,447	-	35,772
State Office of Risk Management	10,000	3,500	3,300	3,200	-	10,000
\$	5,687,533	\$ 1,966,006	\$ 1,883,744	\$ 1,818,663	\$ 19,120	\$ 5,687,533

FTE's 64 29 19.6 15.4 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total
Strategy One	1,966,006	0	1,966,006	1,966,006
Strategy Two	1,883,744	0	200,000	1,883,744
Strategy Three	1,818,663	0	100,000	1,818,663
Strategy Four	19,120	19,120	0	19,120
\$	5,687,533	\$ 19,120	\$ 300,000	5,687,533

Indirect Support:

	F.1.1.	F.1.2.	F.1.3.	Total
Financial Administration	179,075	179,075		179,075
Information Resource Technologies	174,506	174,506		174,506
Operating Support	158,546		158,546	158,546
\$	512,127	\$ 179,075	\$ 158,546	\$ 512,127

Method of Finance:

Appropriated Receipts **\$ 512,127** **\$ 179,075** **\$ 174,506** **\$ 158,546** **\$ 512,127**

**Manufactured Housing Division
Revenue Summary and Projections
For FY 2010-09**

FEE TYPE	FY 2010 Projected (c)	FY 2009 Act/Est. (d)	Variance (c-d)	Percentage Change
Training	141,254	141,254	-	0%
SOL - Titles	3,715,379	3,715,379	-	0%
Licenses	1,242,672	725,000	517,672	71%
Inspections	1,196,821	1,196,821	-	0%
Admin. Penalties	6,000	6,000	-	0%
Public Information	5,755	5,755	-	0%
Reimbursement - HORTF	235,064	235,064	-	0%
Returned Check Charge	-	-	-	0%
	6,542,945	6,025,273	517,672	9%
Federal Fund	591,708	591,708	-	0%
Total	\$ 7,134,653	\$ 6,616,981	\$ 517,672	8%

** Note: The assumptions for FY 2010 revenues use the actual/estimates for FY 2009 and modified historical trends.*

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Budget and Expense Status
 September 1, 2008 - August 31, 2009
 For FY 2009**

Budget Categories	Annual Budget (a)	*1 YTD Act/Est. Expenses Sep - Aug (b)	Remaining Budget As of August	Remaining Budget Not Used %
Salaries and Wages	\$ 3,343,627	3,185,708	157,920	5%
Payroll Related Costs	946,216	844,073	102,144	11%
Travel In-State	200,000	197,868	2,132	1%
Travel Out-of State	0	0	0	0%
Home Owner Consumer Claims (Rider # 13)	300,000	269,190	30,810	10%
Professional Fees	209,000	204,362	4,639	2%
Materials and Supplies	146,790	127,236	19,554	13%
Repairs/Maintenance	55,000	56,424	(1,424)	-3%
Printing and Reproduction	56,000	32,764	23,237	41%
Rental/Lease	55,000	54,821	180	0%
Membership Dues	802	750	52	6%
Registration Fees	36,978	26,848	10,131	27%
Texas Online	19,120	15,472	3,649	19%
Employee Tuition	0	0	0	0%
Advertising	250	0	250	100%
Freight/Delivery	1,500	1,206	294	20%
Temporary Help	100,000	67,938	32,063	32%
Furniture/Equipment	12,150	6,996	5,154	42%
Communications/Utilities	107,000	97,038	9,963	9%
Capital Outlay	32,566	30,966	1,600	5%
State Office of Risk Management	10,000	9,183	817	8%
Subtotal	5,631,999	5,228,839	403,161	7%
Indirect Support	512,127	498,466	13,661	3%
Total Manufactured Housing	\$ 6,144,126	\$ 5,727,305	\$ 416,822	7%

* 1 YTD expenses column represents actual expenditures from September to June, and projected expenditures from July to August

Exhibit A

**Manufactured Housing
Administrative Support Schedule
Fiscal Year 2010**

	FTE's	Salaries	Payroll Related Costs	Total
Support:				
Executive Office	0.10	\$ 11,653	\$ 2,680	\$ 14,334
Internal Audit	0.40	26,740	6,150	32,890
Policy and Public Affairs	0.22	18,436	4,240	22,676
Human Resources	0.40	24,410	5,614	30,025
Purchasing and Facilities Management	0.90	47,659	10,962	58,621
Information Systems	2.08	141,875	32,631	174,506
Financial Administration:				
Director, Financial Administration	0.10	10,175	2,340	12,515
Payroll	0.20	12,982	2,986	15,968
Accounting Manager	0.15	14,245	3,276	17,521
Travel	0.50	26,702	6,141	32,843
Payables	0.45	26,329	6,056	32,384
Program Accountant	1.00	55,158	12,686	67,844
Total Support, Manufactured Housing	6.50	\$ 416,364	\$ 95,762	\$ 512,127

Agenda Action Item No. 3

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
AND
MANUFACTURED HOUSING DIVISION'S
ADMINISTRATIVE SERVICES AND COST REIMBURSEMENT AGREEMENT

This Administrative Services and Cost Reimbursement Agreement ("Agreement") is made effective as of September 1, 2009 by and between the **Texas Department of Housing and Community Affairs**, a public and official department of the State of Texas ("TDHCA"), and the **Manufactured Housing Division** of TDHCA.

RECITALS:

WHEREAS, Subchapter AA, Sections 2306.6001 through 2306.6023 of the Texas Government Code, requires:

- (1) that beginning on September 1, 2001, TDHCA began to administer and enforce the Texas Manufactured Housing Standards Act (Chapter 1201 of the Texas Occupations Code) through the Manufactured Housing Division ("MH Division");
- (2) that the MH Division be governed by a five member board that is to be an independent entity within TDHCA, administratively attached to TDHCA, and not an advisory board to TDHCA ("MH Board");
- (3) that the MH Board and the division director of the MH Division are to exercise authority and responsibilities assigned to them under the Texas Manufactured Housing Standards Act (Chapter 1201 of the Texas Occupations Code); and
- (4) that the MH Board shall develop a budget for the operations of the department relating to the MH Division and shall reduce administrative costs by entering into an agreement with TDHCA to enable the sharing of department personnel, equipment, and facilities.

NOW THEREFORE, TDHCA has agreed to provide for indirect and direct administrative services as hereinafter provided for a monthly administrative fee described herein to be paid by the MH Division to TDHCA. The parties, TDHCA and the MH Division, agree as follows:

1. ADMINISTRATIVE SERVICES AND REIMBURSEMENT OF OPERATING COSTS

1.1 Scope of Services

During the term of this Agreement, TDHCA shall continue to provide for the budgeted costs and expenses set out on the annual operating budget for the MH Division attached as Exhibit "A" in the manner contemplated by the annual operating budget for TDHCA and to account for all such actual payments and receipts. These services, will include, but not be limited to, administrative support services from TDHCA's Executive Office; Internal Audit; Policy and Public Affairs; Human Resources; Purchasing and Facilities Management; Information Systems; and Financial Administration (collectively the "Services").

2. TERM

2.1 Term

This Agreement shall be effective September 1, 2009 and shall continue in full force and effect until August 31, 2010, unless sooner terminated pursuant to Section 4.1 of this Agreement.

3. ADMINISTRATIVE SERVICES FEES AND COST REIMBURSEMENTS

3.1 Reimbursement to TDHCA for Operating Costs

TDHCA shall be reimbursed by the MH Division for all operating costs incurred by TDHCA on their behalf out of budgeted receipts attributable to the MH Division as set out on Exhibit "A".

3.2 Payments to TDHCA for Services

As compensation for the Services performed by TDHCA personnel pursuant to this Agreement, TDHCA shall be paid \$42,677.25 monthly by the MH Division (or a total annual amount not to exceed \$512,127.00) for each month during the term of this Agreement.

4. TERMINATION OF AGREEMENT

4.1 Early Termination

Either party and the duly constituted MH Board contemplated by Sections 2306 once appointed may terminate this Agreement prior to the August 31, 2010 term provided in Section 2.1 upon 30 days' written notice to the other party. Administrative fees due for Services provided up to and including the date of such early termination shall be prorated and shall be payable in full to TDHCA upon such early termination. If this Agreement is terminated by an MH Board, TDHCA agrees to take all actions necessary to deliver to the MH Board possession or control of all books, records, and property of the MH Division in TDHCA's possession in an orderly manner and without interruption of the MH Division's business.

5. FORCE MAJEURE

5.1 Force Majeure

In the event that performance by a party of any of its obligations under the terms of this Agreement shall be interrupted or delayed by an act of God, by acts of war, riot, or civil commotion, by an act of State, by strikes, fire, or flood, or by the occurrence of any other event beyond the control of such party, such party shall be excused from such performance during the period of time when the interruption occurred and for such period of time as is reasonably necessary after such occurrence abates for the effects thereof to have dissipated.

6. MISCELLANEOUS

6.1 Notices

All notices, requests, demands and other communications under this Agreement shall be deemed to be duly given if delivered or sent and effective in accordance with this Section 6.1 and all of its subsections and if addressed as follows:

If to TDHCA to:

Texas Department of Housing and Community Affairs
221 E. 11th Street, Third Floor
Austin, Texas 78701
ATTENTION: Michael Gerber, TDHCA Executive Director
FAX: (512) 469-9606

If to the Manufactured Housing Division to:

Manufactured Housing Division
1106 Clayton LN. Twin Towers
Austin, Texas 78723
ATTENTION: Joe Garcia, MH Division, Executive Director
FAX: (512) 475-0495

or to such other address or to the attention of such other person as the recipient party has specified in accordance with this Section 6.1 by prior written notice to the sending party. Every notice required or contemplated by this Agreement to be given, delivered or sent by any party may be delivered in person or may be sent by courier, facsimile, e-mail, first class mail, or certified mail (or its equivalent under the laws of the country where mailed), addressed to the party for whom it is intended, at the address specified in this Agreement. Any party may change its address for notice by giving notice to the other parties of the change. Any written notice will be effective no later than the date actually received. Unless otherwise provided in this Agreement, notice by courier, express mail, certified mail, or registered mail will be effective on the date it is officially recorded as delivered by return receipt or equivalent and in the absence of such record of delivery it will be presumed to have been delivered on the fifth business day after it was deposited, first-class postage prepaid, in the United States first class mail. Notice not given in writing will be effective only if acknowledged in writing by a duly authorized officer of the party to whom it was given.

6.2 Entire Agreement

This Agreement contains the entire agreement of the parties with respect to the matters covered by its terms. Any written or oral representations, promises, agreements or understandings concerning the subject matter of this Agreement that is not contained in this Agreement shall be of no force or effect. No change, modification or waiver of any of the terms of this Agreement shall be binding unless reduced to writing and signed by authorized representatives of both parties.

6.3 Assignment

This Agreement shall be binding upon and inure to the benefit of the parties hereto, and the legal representatives, successors in interest and assigns, respectively, of each such party. Notwithstanding the preceding sentence, this Agreement shall not be assigned in whole or in part by either party without the prior written consent of the other party.

6.4 Governing Law

This Agreement shall be construed under and governed in all respects, including without limitation issues of validity, interpretation, performance and enforcement, by the laws, and not the conflicts law, of the State of Texas.

6.5 No Waiver

The failure of any party hereto at any time to require performance of any provision of this Agreement shall in no way affect the right of such party to require performance of that provision. Any waiver by any party of any breach of any provision of this Agreement shall not be construed as a waiver of any continuing or succeeding breach of such provision, a waiver of the provision itself or a waiver of any right under this Agreement.

6.6 Partial Invalidity

If any one or more of the provisions of this Agreement should be ruled wholly or partly invalid or unenforceable by a court or other government body of competent jurisdiction, then:

- (A) the validity and enforceability of all provisions of this Agreement not ruled to be invalid or unenforceable will be unaffected;
- (B) the effect of the ruling will be limited to the jurisdiction of the court or other government body making the ruling;
- (C) the provision(s) held wholly or partly invalid or unenforceable will be deemed amended, and the court or other government body is authorized to reform the provision(s), to the minimum extent necessary to render them valid and enforceable in conformity with the parties' intent as manifested herein; and
- (D) if the ruling, and/or the controlling principle of law or equity leading to the ruling, is subsequently overruled, modified, or amended by legislative, judicial, or administrative action, then the provision(s) in question as originally set forth in this Agreement will be deemed valid and enforceable to the maximum extent permitted by the new controlling principle of law or equity.

6.7 Time

Time is of the essence under this Agreement. If the last day permitted for the performance of any act required or permitted under this Agreement falls on a Saturday, Sunday, or legal holiday in the State of Texas, the time for such performance shall be extended to the next succeeding business day that is not a legal holiday.

6.8 Jurisdiction and Venue

Suit to enforce this Agreement or any provision thereof will be brought exclusively in the state or federal courts located in Austin, Travis County, Texas.

6.9 Section Headings

The article and section headings contained in this Agreement are for reference purposes only and shall not in any way control the meaning or interpretation of this Agreement. Each person signing below represents that he or she has read this Agreement in its entirety (including any and all Schedules and Exhibits); understands its terms; is duly authorized to execute this Agreement on behalf of the party indicated below by his name; and agrees on behalf of such party that such party will be bound by those terms.

IN WITNESS WHEREOF, the parties have signed this Agreement to be effective as of September 1, 2009.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

By: _____
Michael G. Gerber
Executive Director

MANUFACTURED HOUSING DIVISION

By: _____
Joe A. Garcia
Executive Director

ADMINISTRATIVE SERVICES AGREEMENT AND COST REIMBURSEMENT AGREEMENT

Exhibit A

**Manufactured Housing
Administrative Support Schedule
Fiscal Year 2010**

	FTEs	Salaries	Payroll Related Costs	Total
Support:				
Executive Office	0.10	\$ 11,653	\$ 2,680	\$ 14,334
Internal Audit	0.40	26,740	6,150	32,890
Policy and Public Affairs	0.22	18,436	4,240	22,676
Human Resources	0.40	24,410	5,614	30,025
Purchasing and Facilities Management	0.90	47,659	10,962	58,621
Information Systems	2.08	141,875	32,631	174,506
Financial Administration:				
Director, Financial Administration	0.10	10,175	2,340	12,515
Payroll	0.20	12,982	2,986	15,968
Accounting Manager	0.15	14,245	3,276	17,521
Travel	0.50	26,702	6,141	32,843
Payables	0.45	26,329	6,056	32,384
Program Accountant	1.00	55,158	12,686	67,844
Total Support, Manufactured Housing	6.50	\$ 416,364	\$ 95,762	\$ 512,127

Agenda Action Item No. 4

Preamble for Proposed Manufactured Housing Rules
Administrative Rules of the Texas Department of Housing and Community Affairs
10 Texas Administrative Code, Chapter 80

The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (the “Department”) proposes new 10 TAC, Chapter 80, §80.39 and §80.94 and proposes to amend §§80.3, 80.25, 80.32, 80.33, 80.40, 80.41, 80.90, 80.92, and 80.100 relating to the regulation of the manufactured housing program. The rules are revised to comply with HB 2238 (81st Legislative Session, 2009), Federal Regulations, and for clarification purposes.

Section 80.3(b)(2): Statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.3(k)(2): Statutory compliance with §1201.009 revised by HB 2238 and to enable the user enhancements available with the new system.

Section 80.25(i)(3) and (4): To comply with Federal Regulations.

Section 80.25(k)(3): To comply with Federal Regulations.

Section 80.32(b): To comply with 24 CFR §3288.5 of the Federal Regulations.

Section 80.33(g): Statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.33(k)(3): Statutory compliance with federal mandates charging installers with the responsibility of site preparation for all new homes. This provision can only apply to used homes.

New §80.39: To clarify the time requirements in the Standards Act and/or Rules.

Section 80.40(e): Statutory compliance, insurance requirement repealed by HB 2238.

Section 80.41(a): Statutory compliance, insurance requirement repealed by HB 2238.

Section 80.41(a)(2)(A): Statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.41(a)(2)(B): Statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.41(a)(2)(C): Statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.41(d)(2): Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.

Section 80.41(d)(3): Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.

Section 80.41(d)(4)(E): Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.

Section 80.90(c)(2)(C): Statutory compliance with §1201.058(e), revised by HB 2238, only permits the waiving of a fee if the Governor by executive order or proclamation declares a state of disaster under Chapter 418.

Section 80.92(b): Statutory compliance with §1201.204(c) revised by HB 2238.

New §80.94: The report that is provided by hardcopy each month to the county tax assessor-collectors and county appraisal districts can be provided electronically, if requested.

Section 80.100(a)(30): Revised the title of the form from Notice of Lien for Tax Lien/Release to Notice of Tax Lien/Release.

Section 80.100(a)(31): Removing the Notice of Lien (Other than a Tax Lien) form and replacing with the new Dispute Resolution form.

Section 80.100(a)(38): Revised the name of the form for statutory compliance with §1201.104(f) revised by HB 2238.

Section 80.100(a)(43): Revised the name of the form from Application for License Instruction Provider to Application for Continuing Education Provider.

Figure: 10 TAC §80.100(b)(1): Revised to correct errors in the block for the Department's use.

Figure: 10 TAC §80.100(b)(2): Statutory compliance, insurance requirement repealed by HB 2238. Added a field for date of birth in Block 9 to make it easier to run criminal history checks on related persons.

Figure: 10 TAC §80.100(b)(3): Statutory compliance, insurance requirement repealed by HB 2238.

Figure: 10 TAC §80.100(b)(4): Statutory compliance with §1201.103(d)(1) and §1201.104(c) revised by HB 2238.

Figure: 10 TAC §80.100(b)(7): Statutory compliance with §1201.204(c) revised by HB 2238. By emphasizing this requirement as a footer on the form, it may reduce the likelihood of being forgotten or not submitted, as is the case now.

Figure: 10 TAC §80.100(b)(11): Revised form to correct grammatical and formatting errors.

Figure: 10 TAC §80.100(b)(14): Statutory compliance with §1201.009 and §1201.204(c) revised by HB 2238.

For changes to comply with §1201.204(c): Need language directing the creditor to specify each home secured so they can be notified if we're made aware that the home is sold out of trust (current filing process doesn't specify each home covered under the TIF). Include summary as second page so homes can be specified by label and serial number(s).

For changes to comply with §1201.009: Adding a file number will enable the user to update the homes secured under the filing, electronically (with the new system).

Figure: 10 TAC §80.100(b)(16): Revised form to correct grammatical and formatting errors.

Figure: 10 TAC §80.100(b)(17): To comply with the Federal Regulations relating to smoke alarms (§3285.703), water testing (§3285.603(e) & §3280.612) and drainage testing (§3285.605(c)).

Figure: 10 TAC §80.100(b)(19): Statutory compliance with §§1201.2055(b), 1201.2055(i), and 1201.219(b) revised by HB 2238. The revisions improve efficiency by incorporating the filing of a mortgage lien on the SOL application and eliminating the Notice of Lien (Other than a Tax Lien) form. The notary requirement was repealed in HB 2238.

Figure: 10 TAC §80.100(b)(24): Added election back into form since HB 2238 repealed the notary requirement in §1201.2055(b). This will improve efficiency since it eliminates the Analyst from having to make a copy of the application for the applicant to make election and lets us utilize the addendum.

Figure: 10 TAC §80.100(b)(27): Removed payment information because there is no fee for taxing entities to obtain a Texas Seal.

Figure: 10 TAC §80.100(b)(29): Statutory compliance with §1201.206(a) revised by HB 2238.

Figure: 10 TAC §80.100(b)(30): Revised the title of the form, contact phone numbers, signature lines, and information in the section for Department use.

New Figure: 10 TAC §80.100(b)(31): The new Dispute Resolution form is added to comply with Federal Regulations, 24 CFR §3288.5.

Figure: 10 TAC §80.100(b)(31): Deleting the Notice of Lien (Other than a Tax Lien) form because no separate form is needed since §1201.219(b), revised by HB 2238, enables the notice to be incorporated in the Statement of Ownership and Location form.

Figure: 10 TAC §80.100(b)(35): Statutory compliance with §1201.114(a) and §1201.113.

Figure: 10 TAC §80.100(b)(38): Statutory compliance with §1201.104(f) revised by HB 2238 and formatting corrections.

Figure: 10 TAC §80.100(b)(39): Statutory compliance with §1201.217(b) revised by HB 2238, which requires that notice be also given to any known intervening owners of liens or equitable interest.

Figure: 10 TAC §80.100(b)(40): Statutory compliance with §1201.217(b) & (f) revised by HB 2238.

Figure: 10 TAC §80.100(b)(42): Statutory compliance with §1201.103(d)(1) and §1201.113 revised by HB 2238.

Figure: 10 TAC §80.100(b)(43): Revised the title from Application for License Instruction Providers to Application for Continuing Education Providers.

Joe A. Garcia, Executive Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs, has determined that for the first five-year period that the proposed rules are in effect there will be no fiscal implications for state or local government as a

result of enforcing or administering these sections. There will be no effect on small or micro-businesses because of the proposed amendments. There are no anticipated economic costs to persons who are required to comply with the proposed rules.

Except for the above, there are no other proposed amendments expected to have material economic costs to persons/businesses that are required to comply with the proposed rules.

Mr. Garcia also has determined that for each year of the first five years that the proposed rules are in effect the public benefit as a result of enforcing the amendments will be to provide clarification of procedures and compliance with the Standards Act and Federal Regulations.

Mr. Garcia has also determined that for each year of the first five years the proposed rules are in effect there should be no adverse effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

If requested, the Department will conduct a public hearing on this rulemaking, pursuant to the Administrative Procedure Act, Texas Government Code §2001.029. The request for a public hearing must be received by the Department within 15 days after publication.

Comments may be submitted to Mr. Joe A. Garcia, Executive Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs, P. O. Box 12489, Austin, Texas 78711-2489 or by e-mail at the following address joe.garcia@tdhca.state.tx.us. The deadline for comments is no later than 30 days from the date that these proposed rules are published in the *Texas Register*.

The new and amended sections are proposed under the Texas Manufactured Housing Standards Act, Occupations Code, Chapter 1201, §1201.052, which provides the Department with authority to amend, add, and repeal rules governing the Manufactured Housing Division of the Department and under Texas Government Code, Chapter 2306, §2306.6014 and §2306.6020, which authorizes the board to adopt rules as necessary and the director to administer and enforce the manufactured housing program through the Manufactured Housing Division.

The agency hereby certifies that the proposed new and amended sections have been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

No other statutes, codes, or articles are affected by the proposed rules.

Manufactured Housing Rules

Proposed Rules: To Comply with HB 2238 & Fed. Regulations

*Administrative Rules of the Texas Department of Housing and Community Affairs
10 Texas Administrative Code, Chapter 80*

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**SUBCHAPTER A. CODES, STANDARDS, TERMS, FEES AND
ADMINISTRATION**

§80.3. Fees.

- (a) (No change.)
- (b) Installation Fees:
 - (1) (No change.)
 - (2) The reporting fee must be submitted to the Department with the completed Notice of Installation (Form T) no later than seven (7) days after which the installation is completed, but not later than three (3) days for **[probationary]** installers **with a provisional license**.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238.*

- (3) (No change.)
- (c) – (j) (No change.)
- (k) Method of Payment.
 - (1) All checks shall be made payable to the Texas Department of Housing and Community Affairs or TDHCA.
 - (2) All **fees for available electronic transactions [license renewals]** may also be paid by credit card or ACH, if submitted through Texas Online.

Rationale: *Statutory compliance with §1201.009 revised by HB 2238. To enable the user enhancements available with the new system.*

- (l) – (m) (No change.)

**SUBCHAPTER B. INSTALLATION STANDARDS AND DEVICE
APPROVALS**

§80.25. Generic Standards for Multi-Section Connections Standards.

- (a) – (h) (No change.)
- (i) Drain, Waste and Vent System (DWV):
 - (1) (No Change.)
 - (2) (No change.)

(3) Water testing: At the time of installation the water system must be inspected and tested for leaks after completion at the site (the water heater must be disconnected when using an air-only test).

(4) Drainage system testing: At the time of installation the drainage system must be inspected and tested for leaks after completion at the site.

Rationale: *To comply with Fed. Regulations. Also added to Installation Checklist in §80.100(b)(17) for new homes for compliance with the federal regulations.*

(j) (No change.)

(k) Fuel Gas Piping Systems:

(1) (No change.)

(2) (No change.)

(3) The gas system must be inspected and tested for leaks after completion at the site.

Rationale: *To comply with Federal Regulations. Also added to Installation Checklist in §80.100(b)(17) for new homes for compliance with the federal regulations.*

SUBCHAPTER C. LICENSEES' RESPONSIBILITIES AND REQUIREMENTS

§80.32. Retailers' Responsibilities and Requirements.

(a) (No change.)

(b) At the time of signing a contract for the sale or lease of a manufactured home, the retailer must disclose to the purchaser, a notice of the existence of a Dispute Resolution Program through HUD, either on a separate document from the sales contract or it may be incorporated clearly at the top of the sales contract. Disclosure of this requirement should be acknowledged by the consumer.

Rationale: *To comply with 24 CFR §3288.5 of the Federal Regulations.*

(c)[(b)] A retailer shall timely provide each consumer who acquires a manufactured home by sale, exchange, or lease purchase the applicable warranty or warranties specified in the Standards Act and any warranty regarding the home itself shall specify whether the warranty includes cosmetic items or not and, if it does include them, whether there are any limitations or special requirements, such as a walk-through punch lists, excluded items, or the like.

(d)[(e)] For each manufactured home taken into a retailer's inventory, a retailer shall maintain a copy of either a completed and timely submitted application for a statement of ownership and location to reflect the home as inventory or, once such

a statement of ownership and location has been issued and received, a copy of that statement of ownership and location.

(e)[(d)] For each home altered or rebuilt from salvage a retailer shall retain the documentation required for a rebuilder.

(f)[(e)] A retailer must provide their company name, license number, contact information on any sales agreement, and proof of purchase or confirmation of sale.

(g)[(f)] If a retailer relies on a third party, such as a title company or closing attorney, to file with the Department the required forms necessary to enable the Department to issue a Statement of Ownership and Location to a consumer, the retailer must provide an instruction letter to that third party, advising them of their responsibilities to make such filings and the required timeframes therefore. This does not relieve the retailer from responsibility. The retailer must retain with their sale records a copy of that instruction letter and all documentation provided to such third party to enable them to make such filings. This optional form is available in Subchapter I of this chapter (relating to Forms).

(h)[(g)] On a new manufactured home and on any used manufactured home where the sale, exchange or lease-purchase includes installation, the retailer must specify in the applicable contract or an accompanying written disclosure the intended date by which installation will be complete and a designated person to contact for the current status as to the intended date for completion of installation. For new manufactured homes, the retailer is responsible for ensuring that a licensed installer warrants the proper installation of the home and performs the required site preparation.

(i)[(h)] If any goods or services being provided by a retailer in connection with the sale and/or installation of a manufactured home, the retailer must disclose, in writing, the goods and/or services to be provided and a good faith estimate as to when they will be provided.

(j)[(i)] If any goods with a retail value of more than \$250 are to be provided in connection with the sale of a manufactured home and they are not specified on the data plate for the home, the retailer must describe them in the retail installment contract, purchase memorandum, or other sale document in sufficient detail to enable a third party to provide them under the responsibility of the retailer's surety bond should the retailer fail to provide them as agreed.

(k)[(j)] A retailer accepting a deposit must give the consumer a written statement setting forth:

- (1) the amount of such deposit;
- (2) a statement of any requirements to obtain or limitations on any such refund; and
- (3) the name and business address of the person receiving such deposit.

(l)~~(k)~~ A retailer may not represent to a consumer that is purchasing a manufactured home with interim financing that the consumer will qualify for permanent financing if the retailer has any reason to believe that the consumer will not qualify for such permanent financing.

(m)~~(l)~~ A retailer may not increase the advertised price at which a manufactured home is to be sold based on the consumer's decision to make the purchase with or without financing provided by or arranged through the retailer.

(n)~~(m)~~ A retailer may not request or accept any document that is executed in blank or allow any alteration to a completed document without the consumer's initialing and dating such changes to indicate agreement to them. Where information is not available, a statement of that fact (*e.g.*, TBD – to be determined, not available, N/A, not applicable, or the like) may be entered in the blank. A consumer must be provided with copies of all documents they execute.

(o)~~(n)~~ A retailer may not knowingly accept or issue any check or other form of payment appearing on its face to be a *bona fide* payment but known not to represent good funds.

(p)~~(o)~~ A retailer may not negotiate or offer a deposit refund of less than is required by the Act. However, a retailer may, by written agreement with the consumer, retain the amount of the deposit used to pay legitimate third party costs actually incurred, such as credit report fees or courier fees.

(q)~~(p)~~ In order to comply with the provisions of §1201.107(d) of the Standards Act, a retailer or broker must:

- (1) have a current, in effect surety bond issued in the most recent form promulgated by the Department; and
- (2) the applicable sales agreement must identify the surety bond that applies to the transaction and contain the following statement: “The above-described surety bond applies to this transaction in the following manner: The bond is issued to the Texas Manufactured Homeowners’ Recovery Trust Fund (the “Fund”), a fund described in the Texas Manufactured Housing Standards Act (Tex. Occ. Code, Chapter 1201) and administered by the Director. If the Fund makes a payment to a consumer, the Fund will seek to recover under the surety bond. The obligation of the Fund to compensate a consumer for damages subject to reimbursement by the Fund is independent of the Fund’s right or ability to recover from the above-described surety bond, but recoveries on surety bonds are an important part of the Fund’s ability to maintain sufficient assets to compensate consumers. There can be no assurance that the Fund will have sufficient assets to compensate a consumer for a covered claim. Assuming it has sufficient assets to compensate a consumer for a covered claim, the liability of the Fund is limited to actual damages, not to exceed \$35,000.”

(r)~~(r)~~ A retailer shall maintain on a current basis a separate file for each salesperson sponsored by that retailer reflecting:

- (1) that they are licensed in accordance with the Standards Act;
- (2) the date of the initial licensing class that they attended and a copy of their certificate of completion;
- (3) evidence of the successful completion of any required continuing education classes that they attended; and
- (4) a copy of any written notice to the Department that sponsorship was terminated and the effective date thereof.

(s)~~(s)~~ At each licensed location, including each branch location, a retailer shall display their current license for that location and the current license of each salesperson who works from that location.

(t)~~(t)~~ At each licensed location, including each branch location, a retailer shall conspicuously display the Consumer Protection Information sign as set forth in Subchapter I of this chapter.

(u)~~(u)~~ Auction of Manufactured Housing to Texas Consumers.

- (1) A person selling more than one home to one or more consumers through an auction in a twelve (12) month period must be licensed as a retailer, each individual acting as their agent must be licensed as a salesperson, and each specific location at which an auction is held must be licensed and bonded in accordance with the Standards Act.
- (2) Acting as an auctioneer may be subject to the Texas Auctioneer Act, Occupations Code, Chapter 1802.
- (3) The retailer must notify this Department in writing at least thirty (30) calendar days prior to the auction with such notice to contain the date, time, and physical address and location of a proposed auction or, if they recur on a scheduled basis, of the schedule.

(v)~~(v)~~ The written warranty that the used manufactured home is habitable as per §1201.455 of the Standards Act, shall have been timely delivered if given to the homeowner at or prior to possession or at the time the applicable sales agreement is signed.

(w)~~(w)~~ The written manufacturer's new home construction warranty per §1201.351 of the Standards Act, shall be timely delivered if given to the homeowner at or prior to the time of initial installation at the consumer's home site.

§80.33. Installers' Responsibilities and Requirements.

- (a) – (f) (No change.)
- (g) For each installation completed, the contracting installer must complete a Notice of Installation and submit the original, signed form with the required fee to the Department no later than seven (7) days after which the installation is completed, but not later than three (3) days for **[probationary]** installers **with a provisional license**. If an installer submits multiple installation reports at one time, a single payment for the combined fees may be submitted.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238.*

- (h) – (j) (No change.)
- (k) Each installer shall maintain the following books and records for each installation:
 - (1) – (2) (No change.)
 - (3) if the **used** home is to be installed on a site that has evidence of ponding, run-off, or uncompacted soil, a signed form from the consumer, acknowledging the condition and accepting the risks, such form to be as set forth in Subchapter I of this chapter (relating to Forms) and §1201.255 of the Standards Act;

Rationale: *Statutory compliance with federal mandates charging installers with the responsibility of site preparation for all new homes. This provision can only apply to used homes.*

- (4) – (8) (No change.)
- (l) (No change.)

New §80.39. Computation of Time.

- (a) Application of rule. This rule applies unless another method is required by statute, another rule in this chapter, or order.**
- (b) Computing time periods. When computing periods of time prescribed or allowed in this chapter:**
 - (1) the day of the act, event, or default from which the designated time period begins to run is not counted; and**
 - (2) the last day of the time period is counted, unless it is a day on which the Department's offices are closed, in which case the time period will end on the next day the Department's offices are open**
- (c) Calendar days. Time limits shall be computed using calendar days rather than business days except as provided by subsection (d) of this section.**

(d) Five days or less. If the time limit is five days or less, the intervening Saturdays, Sundays, and legal holidays are not counted.

(e) Extensions of time. If a party seeks an extension of time, the Department may:

(1) grant the party's request upon a showing of good cause; and

(2) permit the act to be done after the expiration of the original time period.

Rationale: To clarify the time requirements in the Act and/or Rules.

SUBCHAPTER E. LICENSING

§80.40. Security and Insurance Requirements.

(a) – (d) (No change.)

~~[(e) Each installer shall maintain public liability insurance coverage, including completed operations coverage in an amount of not less than \$300,000 for bodily injury each occurrence and property damage insurance in an amount of not less than \$100,000 each occurrence. A combined single limit of \$300,000 will be considered to be in compliance with this section. If the applicant will be engaged in the transportation of manufactured housing incidental to the installation, the applicant must also have motor vehicle liability insurance coverage in an amount of not less than \$250,000 bodily injury each person, \$500,000 bodily injury each occurrence, \$100,000 property damage each occurrence. A combined single limit of \$500,000 will be considered to be in compliance with this section. Cargo insurance on each home or transportable section of not less than \$50,000 per towing motor vehicle is required.]~~

~~[(1) At the time of initial license and on renewal, a certificate of insurance must be filed with the Department by the insurance carrier or its authorized agent certifying the name of insurer, type of insurance and insurance limit per aggregate coverage and which provides for thirty (30) calendar days notice of cancellation. If the applicant does not provide proof of the required motor vehicle liability insurance and the cargo coverage, the applicant must sign an affidavit that the applicant will not engage in any transportation of manufactured housing. If the applicant transports only his/her own property, and furnishes the Department with an affidavit attesting to that fact, cargo coverage is not required.]~~

~~[(2) An installer, also licensed as a retailer, may satisfy the insurance requirements by filing a certificate of insurance which shows that the license holder has motor vehicle garage liability coverage including completed operations, and has dealer's physical damage (open lot) including transit insurance coverage in amounts not less than those set forth in subsection (e) of this section. If the retailer installer transports~~

~~their own homes, they must show proof of collision coverage on their commercial physical damage (open lot) policy.]~~

~~[(3) If the required insurance coverage expires or is canceled, and proof of replacement coverage is not received prior to the expiration date or date of cancellation, the installer's license is automatically terminated until the licensee provides a new valid insurance.]~~

Rationale: *Statutory compliance, insurance requirement repealed by HB 2238.*

~~(e)[(f)]~~ In order for the Board to direct the Director to stop accepting bonds issued by a surety for reasons outlined in §1201.105(c) of the Standards Act, the Department experiences significant problems if:

- (1) the surety fails on three (3) or more occasions to make the required reimbursement payment within thirty (30) calendar days from the date of notice from the director that a consumer claim has been paid; or
- (2) is more than sixty (60) calendar days late in making a required reimbursement payment.

~~(f)[(g)]~~ If the director stops accepting bonds issued by a surety for reasons set forth in subsection (f) of this section, all licensees who are bonded by the affected surety will be notified immediately so they can supply the Department with a new valid bond when they renew their license. If a licensee fails to supply the Department with a new valid bond when they renew their license, their license is automatically suspended until the licensee provides a new valid bond.

§80.41. License Requirements.

(a) General License Requirements. In order to apply to obtain a license, the promulgated form of application for such license must be fully completed and executed and submitted to the Department, accompanied by the required fee, required security, ~~[evidence of any required insurance,]~~ and all other required supporting documentation. The Department may request any reasonably related additional information or documentation to clarify or support any application.

Rationale: *Statutory compliance, insurance requirement repealed by HB 2238.*

- (1) (No change.)
- (2) Additional provisions applicable to installers.
 - (A) A provisional [probationary] installer's license shall become a full installer's license as outlined in §1201.104(f) of the Standards Act when the Department inspects a minimum of five (5) manufactured home installations and found not to have any identified installation violations.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238.*

- (B) It is the responsibility of an installer who is still on **a provisional [probationary]** status to notify the Department of each installation performed promptly. As used in this Section, “promptly” means sufficiently early to enable the home to be inspected prior to any skirting being installed, in any event within three business days following the date of completion of the installation.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238.*

- (C) It is the responsibility of the Department’s field office to notify the Department’s licensing section when a **provisional [probationary]** installer’s license is eligible for upgrade to a full installer’s license.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238.*

(b) – (c) (No change.)

(d) Continuing Education.

(1) (No change.)

- (2) Acceptable evidence that the requirements of §1201.113(b) of the Standards Act have been satisfied by the license holder or their related person on record with the Department, would be a certificate, letter, or similar statement provided by the approved education provider indicating that the course was timely completed. Such evidence may be submitted by fax, mail, e-mail, or in person. **[Attendance of a continuing education course in person is a requirement.]**

Rationale: *Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.*

- (3) For license renewal, evidence of any required **completion [attendance]**, with reference to license number, must be received by the Department before a license may be renewed.

Rationale: *Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.*

- (4) Approval of courses and providers. In order to be considered for approval by the Board to provide continuing education courses a party wishing to be considered for such approval must submit, for each course for which approval is sought, a letter application, accompanied by the nonrefundable processing fee, and the following:

(A) – (D) (No change.)

- (E) If completion of [attendance-at] the course is limited to any particular group, a description of the limitation;

Rationale: *Statutory compliance with §1201.104(e) revised by HB 2238. Live courses are no longer required.*

(F) –(G) (No change.)

(5) (No change.)

(e) – (f) (No change.).

SUBCHAPTER H. STATEMENTS OF OWNERSHIP AND LOCATION

§80.90. Issuance of Statements of Ownership and Location.

(a) – (b) (No change.)

(c) Corrections to Statements of Ownership and Location.

(1) (No change.)

(2) If a correction is requested because of an error made by a party other than the Department, the correction will not be made until the Department receives the following:

(A) A complete corrected application for Statement of Ownership and Location,

(B) Any necessary supporting documentation.~~[, and]~~

~~[(C) The required fee, which can be reduced or waived by the director for good cause.]~~

Rationale: *Revised by HB 2238. Statutory compliance with §1201.058(e) only permits the waiving of a fee if the Governor by executive order or proclamation declares a state of disaster under Chapter 418.*

(d) – (h) (No change.)

§80.92. Inventory Finance Liens.

(a) (No change.)

(b) A separate form must be filed for each licensed sales location and must include a summary of homes by label or serial number, that are secured with the form.

Rationale: *Statutory compliance with §1201.204(c) revised by HB 2238.*

New §80.94. Report to County Tax Assessor-Collectors and County Appraisal Districts.

In order to comply with §1201.220 of the Standards Act, which requires the Department to provide a monthly report to each tax assessor-collector and county appraisal districts in Texas, the Department will provide the required information by hardcopy or electronically, when possible. Section 1201.009 of the Standards Act, allows the Department, if feasible, to perform any action under this chapter by electronic means.

Rationale: The report that is provided by hardcopy each month to the county tax assessor-collectors and county appraisal districts can be provided electronically, if requested.

SUBCHAPTER I. FORMS

§80.100. List of Forms.

- (a) The following list is in numerical order with the forms located in subsection (b) of this section.
- (1) Application for Manufacturer's License.
 - (2) Application for Retailer, Broker, Installer and/or Rebuilder's License.
 - (3) Application for Retailer with Branch Locations License.
 - (4) Application for Salesperson's License.
 - (5) Licensing Surety Bond.
 - (6) Licensing Security Agreement.
 - (7) Manufacturer's Certificate of Origin (MCO).
 - (8) Consumer Disclosure Statement.
 - (9) Warranty and Disclosure for a Used Manufactured Home.
 - (10) Retail Monitoring Checklist.
 - (11) Consumer Notice of Licensed and Bonded Location.
 - (12) Notice and Informed Consent to the Installation of a Used Manufactured Home on an Improperly Prepared Site.
 - (13) Formaldehyde Notice.
 - (14) Texas Inventory Finance Security Form.
 - (15) Broker Disclosure Form.
 - (16) Notice of Installation (Form T).
 - (17) Installation Checklist.
 - (18) Estimate for Reassigned Warranty Work.
 - (19) Application for Statement of Ownership and Location.
 - (20) Affidavit of Fact for Real Property.
 - (21) Affidavit of Fact.
 - (22) Affidavit of Error.
 - (23) Affidavit of Fact for Right of Survivorship.
 - (24) Addendum to Application for SOL.
 - (25) Release or Foreclosure of Lien (Form B).
 - (26) Statement of Inheritance (Form C).
 - (27) Taxing Entity Application for Texas Seal (Form S).
 - (28) Multiple Application Log (Form M).

- (29) Instructions to Third Party Closer.
 - (30) Notice of [~~Lien for~~] Tax Lien/Release Form.
 - (31) **HUD Disclosure to Consumer Regarding Dispute Resolution [~~Notice of Lien to Perfect a Lien (Other than Tax Lien) Form~~]**.
 - (32) Notification of filing status as a Central Tax Collector.
 - (33) Site Preparation Notice for Used Homes Form.
 - (34) Sample of Statement of Ownership and Location.
 - (35) Application for License Renewal (other than a salesperson).
 - (36) Right of Rescission Waiver Form.
 - (37) List of Unlicensed Installers Form.
 - (38) **[Probationary]** Notice of Installation (Form T) **for Provisional Installer's License.**
 - (39) Notice of Intent to Acquire Ownership of an Abandoned Home.
 - (40) Affidavit of Fact for Abandonment.
 - (41) Disclosure to Consumer (Possible Need to Vacate Home if Financing does not Close).
 - (42) Application for Salesperson's License Renewal.
 - (43) Application for Continuing Education [~~License Instruction]~~ Provider.
 - (44) Statement from Tax Assessor-Collector.
 - (45) Consumer Disclosure Statement (Spanish Version).
 - (46) HUD Required Installation Program Disclosure to Consumer.
- (b) Forms.
- (1) Application for Manufacturer's License.

Rationale: *Revised to correct errors in the block for the Department's use.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR MANUFACTURER'S LICENSE

(Please type or print clearly.)

Check one: Corporation Partnership Sole Proprietorship Other

1. Legal Business Name: _____

2. Have you ever been licensed by TDHCA? YES NO If yes, provide license number: _____

3. Physical Location Address: _____ City, State, ZIP and County _____

4. Phone: _____ Fax: _____

5. Mailing Address: _____ City, State, ZIP and County _____

6. Date applicant became owner, operator (or date incorporated): _____

7. Provide list of all trade names and the names of all other business organizations subject to this chapter and the name and address of any such business organization registered with the secretary of state (additional may be listed on a separate sheet).

Trade Name	Physical Address, City, State, and ZIP

8. Provide complete information on ALL owners, principals, partners and/or corporate officers (additional may be listed on a separate sheet).

NOTE: Providing your social security number is optional, HOWEVER, the processing of your application may be delayed without it.

Legal Name and Title	Mailing Address, City, State & ZIP	Phone	Date of Birth	SSN

9. Provide complete list of all persons (other than the principals listed above), who directly or indirectly participate in management or policy decisions for this applicant.

Legal Name and Title	Mailing Address, City, State and ZIP	Phone

10. Have you, or a corporate officer or partner, been convicted of any felony or misdemeanor offense, OTHER than a Class C misdemeanor for traffic violations, within the five years PRECEDING this application? YES NO If YES, complete the required Criminal Conviction Questionnaire ensuring that you provide accurate and thorough details sufficient to persuade the Department that you conviction does not pose a threat to the consumer or the industry. **A DPS criminal check will be performed.**

11. Plant Certification			
Date:			
12. Production Inspection Primary Inspection Agency Label Prefix:			
13. Design Approval Primary Inspection Agency:			
14. Provide physical address, city, state and ZIP, where records will be kept (this can be the principal location or an alternate in-state location):			
15. Will you have a manufacturing plant or service facility in Texas? <input type="checkbox"/> YES <input type="checkbox"/> NO			
<p>If NO, to assure the availability of prompt and satisfactory warranty service, a manufacturer which does not have a licensed manufacturing plant or other facility in Texas from which warranty service and repairs can be provided and made, shall be bonded or post other security in an additional amount of \$100,000.</p> <p>Or, to be exempt from the additional security, you must have a bona fide service facility in Texas, pursuant to Section 80.40(d) of the Administrative Rules and Section 1201.106 of the Standards Act.</p> <p>Name of Facility: Address: City/State/ZIP: Phone:</p>			
Certification			
<p>License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law.</p> <p>With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.</p>			
<i>(Signature of Applicant or President, if incorporated)</i>		<i>(Date)</i>	<i>(Signature of Secretary, if incorporated)</i>
			<i>(Date)</i>
Department Use Only			
Education:	Fees:	Additional Requirements:	
<input type="checkbox"/> 20 hours of Department Education in Austin, Texas	<input type="checkbox"/> <u>\$850.00 Manufacturer Licensing Fee</u> <input checked="" type="checkbox"/> <u>\$250.00 Education Fee</u> <input checked="" type="checkbox"/> <u>\$550.00 Retailer Licensing Fee</u> <input checked="" type="checkbox"/> <u>\$900.00 Retailer/Broker Licensing Fee</u> <input checked="" type="checkbox"/> <u>\$900.00 Ret./Installer Licensing Fee</u> <input checked="" type="checkbox"/> <u>\$1250.00 Ret./Brok./Inst. Licensing Fee</u>	<input type="checkbox"/> <u>\$100,000 BOND/CD</u> <input type="checkbox"/> <u>\$100,000 ADDITIONAL BOND/CD</u> <input checked="" type="checkbox"/> <u>\$50,000 BOND/CD</u> <input checked="" type="checkbox"/> <u>Public Liability Insurance</u> <input checked="" type="checkbox"/> <u>*Motor Vehicle Liability Insurance</u> <input checked="" type="checkbox"/> <u>*Cargo Insurance (*if transporting homes)</u> <input checked="" type="checkbox"/> <u>Retailer's Physical Damage</u>	

(2) Application for Retailer, Broker, Installer and/or Rebuilder's License.

Rationale: *Statutory compliance, insurance requirement repealed by HB 2238. Added a field for date of birth in Block 9 to make it easier to run criminal history checks on related persons.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR LICENSE (FOR A RETAILER, BROKER, INSTALLER AND/OR REBUILDER) <i>(Please type or print clearly.)</i>				
Check one: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other				
1. Legal Business Name:				
2. Have you ever been licensed by TDHCA?		<input type="checkbox"/> YES <input type="checkbox"/> NO If yes, provide license number:		
3. Physical Location Address:		City, State, ZIP and County		
4. Phone:		Fax:		
5. Mailing Address:		City, State, ZIP and County		
6. Date applicant became owner, operator (or date incorporated):				
7. Provide list of all trade names and the names of all other business organizations subject to this chapter and the name and address of any such business organization registered with the secretary of state (additional may be listed on a separate sheet).				
Trade Name	Physical Address, City, State, and ZIP			
8. Provide complete information on ALL owners, principals, partners and/or corporate officers (additional may be listed on a separate sheet). <i>NOTE: Providing your social security number is optional, HOWEVER, the processing of your application may be delayed without it.</i>				
Legal Name and Title	Mailing Address, City, State & ZIP	Phone	Date of Birth	SSN
9. Provide complete list of all persons (other than the principals listed above), who directly or indirectly participate in management or policy decisions for this applicant.				
Legal Name and Title	Mailing Address, City, State & ZIP	Phone	<u>Date of Birth</u>	
10. Have you, or a corporate officer or partner, been convicted of any felony or misdemeanor offense, OTHER than a Class C misdemeanor for traffic violations, within the five years PRECEDING this application?		<input type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete the required Criminal Conviction Questionnaire ensuring that you provide accurate and thorough details sufficient to persuade the Department that you conviction does not pose a threat to the consumer or the industry. A DPS criminal check will be performed.		
11. Indicate which type of license you are applying for:				
<input type="checkbox"/> R= Retailer <input type="checkbox"/> RB= Retailer/Broker <input type="checkbox"/> RI=Retailer/Installer <input type="checkbox"/> RBI=Retailer/Broker/Installer <input type="checkbox"/> B= Broker <input type="checkbox"/> I= Installer <input type="checkbox"/> RB=Rebuilder				

12. As applicable, indicate what function(s) you will be performing:	<input type="checkbox"/> Transporting <input type="checkbox"/> Installation
13. Are you in arrears on any taxes owed to the State of Texas? Are you in arrears on a guaranteed student loan?	<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO If you answered YES to either question, provide proof that you are in good standing with them or that you have made payment arrangements.
Provide physical address, city, state and ZIP, where records will be kept (this can be the principal location or an alternate in-state location):	
Certification	
License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law. With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.	
<i>(Signature of Applicant or President, if incorporated)</i> _____	<i>(Date)</i> _____
<i>(Signature of Secretary, if incorporated)</i> _____	<i>(Date)</i> _____
Department Use Only	
Education: <input type="checkbox"/> 20 hours of Department Education in Austin, Texas	Fees: <input type="checkbox"/> \$250.00 Education Fee <input type="checkbox"/> \$550.00 Retailer Licensing Fee <input type="checkbox"/> \$350.00 Broker Licensing Fee <input type="checkbox"/> \$350.00 Installer Licensing Fee <input type="checkbox"/> \$900.00 Retailer/Broker Licensing Fee <input type="checkbox"/> \$900.00 Ret./Installer Licensing Fee <input type="checkbox"/> \$1250.00 Ret./Brok./Inst. Licensing Fee
Additional Requirements: <input type="checkbox"/> \$50,000 BOND/CD <input checked="" type="checkbox"/> Public Liability Insurance <input checked="" type="checkbox"/> *Motor Vehicle Liability Insurance <input checked="" type="checkbox"/> *Cargo Insurance (*if transporting homes) <input checked="" type="checkbox"/> Retailer's Physical Damage	

(3) Application for Retailer with Branch Locations License.

Rationale: *Statutory compliance, insurance requirement repealed by HB 2238.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR RETAILER WITH BRANCH LOCATIONS LICENSE
(Please type or print clearly.)

Check one: Corporation Partnership Sole Proprietorship Other

1. Business Name: _____
 DBA Name: _____

2. Business Owner's Name: _____

3. Have you ever been licensed by TDHCA? YES / NO If so, please provide license number: _____

4. Location Address:	City	State	Zip	County	Phone/Fax
5. Mailing Address:					

6. Date applicant became owner, operator (or date incorporated): _____

7. Provide complete information on ALL corporate officers or partners.
NOTE: Providing your social security number is optional, HOWEVER, the processing of your application may be delayed without it.

Name and Title	Home Mailing Address	Home Phone	Date of Birth	SSN

8. Have you, or a corporate officer or partner, been convicted of any felony or misdemeanor offense, other than a Class C misdemeanor for traffic violations, within the five years PRECEDING this application?
 YES NO *If YES, complete the enclosed Criminal Conviction Questionnaire.*

9. Indicate which type of license you are applying for:
 Register a primary location with branch locations specified on an attached sheet (attach bond for each location)
 Register an additional branch location to an existing Retailers Branch

10. What function(s) will you be performing: Transporting Installation

11. Name of related person who attended licensing education class: _____

Are you in arrears on any taxes owed to the State of Texas? YES NO
 Are you in arrears on a guaranteed student loan? YES NO

Certification

License is subject to revocation, if the Department is **NOT** notified in writing of any changes in the information given on this application or if there is a violation of the law.
 With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.

(Signature of Applicant or President, if incorporated) *(Date)* *(Signature of Secretary, if incorporated)* *(Date)*

Department Use Only

Education: <input type="checkbox"/> 20 hours of Department Education in Austin, Texas	Fees: <input type="checkbox"/> \$250.00 Education Fee <input type="checkbox"/> \$550.00 Retailer Licensing Fee <input type="checkbox"/> \$900.00 Retailer/Broker Licensing Fee <input type="checkbox"/> \$900.00 Ret./Installer Licensing Fee <input type="checkbox"/> \$1250.00 Ret./Brok/Inst. Licensing Fee	Additional Requirements: <input type="checkbox"/> \$50,000 BOND/CD <input type="checkbox"/> Public Liability Insurance <input type="checkbox"/> *Motor Vehicle Liability Insurance <input type="checkbox"/> *Cargo Insurance (*if transporting homes) <input type="checkbox"/> Retailer's Physical Damage
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(4) Application for Salesperson's License.

Rationale: *Statutory compliance with §1201.103(d)(1) and §1201.104(c) revised by HB 2238.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR SALESPERSON'S LICENSE <i>(Please type or print clearly.)</i>		
1. Name of Salesperson:	2. Date of Birth:	/ /
3. Home Address: City: _____ State: _____	4. Social Security #: - -	
5. Telephone: Home ()	Telephone: Work ()	Fax: ()
6. Sponsoring Retailer <u>or Broker</u>: Sponsoring Retailer's <u>or Broker's</u> Lic. #: _____		
7. Business Address: City: _____ State: _____ Zip: _____		
8. List dates, employer and address for each job or position at which you have worked for the past three years. All gaps in employment must be explained.		
(Dates)	(Employer)	(Address)
(Dates)	(Employer)	(Address)
(Dates)	(Employer)	(Address)
9. Have you ever been licensed by TDHCA? YES / NO If so, please provide license number:		
10. Have you been convicted of any felony or misdemeanor offense, other than a Class C misdemeanor for a traffic violation, within the five years PRECEDING this application? <input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, complete the enclosed Criminal Conviction Questionnaire.</i>		
Are you in arrears on any taxes owed to the State of Texas? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Are you in arrears on a guaranteed student loan? <input type="checkbox"/> YES <input type="checkbox"/> NO		
Certification		
License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law. License will be suspended if the education requirements of §1201.104(c) are not successfully completed <u>within 90 days [by the next scheduled course offered]</u> after the date the license is issued.		
With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.		
_____ <i>(Signature of Applicant)</i>	_____ <i>(Date)</i>	_____ <i>(Signature of Sponsoring Retailer <u>or Broker</u>)</i>
_____ <i>(Date)</i>		
Payment		
Attach the required license fee of \$200.00 (two hundred dollars) to this application. Payment may be made by company or business firm check, money order or cashier's check. Please make payable to: Texas Department of Housing and Community Affairs . Mail to the address listed at the top of this form.		
Department Use Only		
Fees	<input type="checkbox"/> \$200.00 License Fee	Date Received: / /

(5) - (6) (No change.)

(7) Manufacturer's Certificate of Origin (MCO).

Rationale: *Statutory compliance with §1201.204(c) revised by HB 2238. By emphasizing this requirement as a footer on the form, it may reduce the likelihood of being forgotten or not submitted, as is the case now.*

MANUFACTURER'S CERTIFICATE OF ORIGIN TO A MANUFACTURED HOME

THE UNDERSIGNED MANUFACTURER HEREBY CERTIFIES THAT THE NEW MANUFACTURED HOME DESCRIBED HEREIN, THE PROPERTY OF SAID MANUFACTURER, HAS BEEN TRANSFERRED ON THE DATE SET FORTH HEREIN, SUBJECT TO THE TERMS AND CONDITIONS OF THE INVOICE OR OTHER APPLICABLE AGREEMENT TO:

NAME OF RETAILER		REG. NO.	ADDRESS OF RETAILER		CITY	STATE	ZIP
TRANSFER DATE	MODEL DESIGNATION		DATE OF MANUFACTURE	NUMBER OF SECTIONS		TOTAL SQUARE FEET	
LABEL/DECAL NUMBER			SERIAL NUMBER		WEIGHT	SIZE	EXCLUDING HITCH
LABEL/DECAL NUMBER			SERIAL NUMBER		WEIGHT	SIZE	EXCLUDING HITCH
LABEL/DECAL NUMBER			SERIAL NUMBER		WEIGHT	SIZE	EXCLUDING HITCH
LABEL/DECAL NUMBER			SERIAL NUMBER		WEIGHT	SIZE	EXCLUDING HITCH
FIRST ASSIGNMENT (FOR RETAILERS ONLY)				DATE		CONSTRUCTED FOR:	
TO:						ENERGY ZONE _____	
NAME OF RETAILER		REGISTRATION NO.				WIND ZONE _____	
ADDRESS				THE MANUFACTURER WARRANTS THAT A GOOD AND MARKETABLE TITLE IS BEING TRANSFERRED AND THAT NO OTHER VALID MANUFACTURER'S CERTIFICATE OF ORIGIN IS ISSUED AND OUTSTANDING ON THE MANUFACTURED HOME DESCRIBED HEREIN.			
CITY		STATE		ZIP			
TYPE NAME AND TITLE OF PERSON AUTHORIZED TO SIGN FOR TRANSFERENCE TO RETAILER				MANUFACTURER OF HOME		REGISTRATION NO.	
AUTHORIZED SIGNATURE				ADDRESS OF MANUFACTURER			
SECOND ASSIGNMENT (FOR RETAILERS ONLY)				DATE			
NAME OF RETAILER		REGISTRATION NO.		CITY		STATE	ZIP
ADDRESS				AUTHORIZED SIGNATURE/TITLE			
CITY		STATE		ZIP			
TYPE NAME AND TITLE OF PERSON AUTHORIZED TO SIGN FOR TRANSFERENCE TO RETAILER				INVOICE # _____			
AUTHORIZED SIGNATURE							
NOTE: AT FIRST RETAIL SALE THIS CEASES TO EVIDENCE OWNERSHIP OF THE HOME.							

[THE ORIGINAL MCO MUST BE INCLUDED WITH THE NEW HOME SOL APPLICATION WITHIN 60 DAYS FROM THE DATE OF SALE.](#)

(8) – (10) (No change.)

(11) Consumer Notice of Licensed and Bonded Location.

Rationale: *Revised form to correct grammatical and formatting errors.*

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

Notice of Licensed and Bonded Location

THIS LOCATION IS LICENSED AND BONDED UNDER THE TEXAS MANUFACTURED HOUSING STANDARDS ACT (TEX. OCC. CODE, CHAPTER 1201) AS A RETAIL LOCATION. THE RETAILER'S LICENSE AND THE LICENSE OF EACH SALESPERSON WORKING AT THIS SITE ARE AVAILABLE FOR [REVIEW \[INSPECTION\]](#).

TO CONTACT THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, MANUFACTURED HOUSING DIVISION, THE [STATE \[GOVERNMENT\]](#) AGENCY THAT REGULATES RETAIL MANUFACTURED HOME SALES, [\[...\]](#) CALL **1-800-500-7074** OR GO TO

WWW.TDHCA.STATE.TX.US/MH

(12) – (13) (No change.)

(14) Texas Inventory Finance Security Form.

Rationale: *Statutory compliance with §1201.009 and §1201.204(c) revised by HB 2238.*

For changes to comply with §1201.204(c): Need language directing the creditor to specify each home secured so they can be notified if we're made aware that the home is sold out of trust (current filing process doesn't specify each home covered under the TIF). Include summary as second page so homes can be specified by label and serial number(s).

For changes to comply with §1201.009: Adding a file number will enable the user to update the homes secured under the filing, electronically (with the new system).

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

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(800) 500-7074, (512) 475-2200 FAX (512) 475-1109

Internet Address: www.tdhca.state.tx.us/mh/index.htm

TEXAS INVENTORY FINANCE SECURITY FORM

The undersigned retailer and creditor-lender have executed a separate security agreement which sets forth the rights and obligations of the two parties in the inventory finance agreement.

This inventory finance security form only applies to the single retail location set forth below, and the homes reported to the Department on the Texas Inventory Finance Security Form Homes Summary. The filing of the inventory finance security form with the Texas Department of Housing and Community Affairs perfects the security interest in all reported manufactured homes which have been financed by the creditor-lender or for which the creditor-lender has advanced any funds or has incurred any obligation which enabled the retailer to acquire the manufactured home, any[-~~The filing of the inventory finance security form also perfects a security interest in all~~] manufactured homes subsequently [which are hereafter] acquired by the retailer, for which the creditor-lender has advanced any funds or the incurrence of the obligation, should be reported to the Department on the prescribed Texas Inventory Finance Security Homes Summary[-~~and the creditor-lender is not required to file additional inventory finance security forms~~].

No provision in the security agreement between the parties to an inventory financing arrangement shall in any way modify, change or supersede the requirements of the rules of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs for the perfection of security interest in the manufactured homes which are in the inventory of a retailer.

Name of Retail Business		TDHCA License #	
Location			
City		State	Zip

Signature of Retail Business Agent: _____

Name of Creditor-Lender			
Location			
City		State	Zip

Signature of Creditor-Lender Agent: _____

THE SEPARATE SECURITY AGREEMENT IS DATED: _____

THIS FORM IS DATED: _____

Department Use Only
Date Recorded: _____
Filing No. Assigned: _____

(15) (No change.)

(16) Notice of Installation (Form T).

Rationale: *Revised form to correct grammatical and formatting errors.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

Notice of Installation (Form T)

HUD Label or Texas Seal # (s): _____ Serial # (s): _____

Manufacturer Name: _____ License No. _____

Home Size - Width / Length: _____ X _____ Weight _____ Date of Manufacture: ____/____/____ Model / Name: _____

Draw A Map To Provide Directions To Home On Page 2

Consumer: _____ Phone Numbers: Home: (____) _____ Work: (____) _____

Mailing Address: _____ City _____ ZIP: _____

Site Address: _____ City _____ ZIP: _____

County Where Home is Installed: _____

Actual Installation Date: ____/____/____ Wind Zone on Data Plate: I (____) II (____) III (____)

Is the home installed in a Humid & Fringe Climate Yes (____) No (____) Was the home labeled for alternate construction. Yes (____) No (____)

	Name	Address	License #	Expiration Date	Phone #
Retailer					
Installer					

Is home installed in Frost Line Zone? (____) Yes (____) No Does retailer or installer provide skirting? Yes (____) No (____)

Is installation part of sales contract of used home? Yes (____) No (____) Not Applicable (____)

New Home - The home has been installed in accordance with:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

Used Home:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. State Generic Standards - Title 10 Texas Administrative Code (10 TAC) §§80.22, 80.23, 80.24, and 80.25.
- (____) 3. A stabilization system registered with the Department in accordance with 10 TAC §80.26 - provide name of system or reference to MHD Approval Letter or registration _____.
- (____) 4. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

FOR USED HOMES, IF NO METHOD IS CHECKED, IT WILL BE PRESUMED THAT OPTION 2 (STATE GENERIC STANDARDS) WAS USED.

To be submitted to the Department along with the required fee no later than the 7th day after which the installation is completed. The Installation Report (Form T) should not [no longer] be submitted with the title documents.

Per §1201.206(i): On secondary moves the notice must be accompanied by either the original notice of installation or a certification that a true and correct copy of the notice of installation has been provided to the chief appraiser of the county where the home is installed. The delivery of the copy of the notice to the chief appraiser may be accomplished by either certified mail or by electronic mailing of the electronically reproduced document in a commonly readable format.

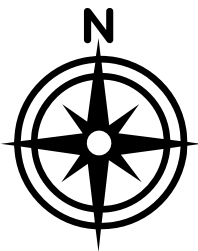
I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct. Executed this _____ day of _____, _____.

Signature (Retailer/Installer)

Name (print or type)

Department Use Only	
<input type="checkbox"/> Inspected Without Violations	<input type="checkbox"/> Not Inspected, Unable to Locate
<input type="checkbox"/> Inspected With Violations	<input type="checkbox"/> Not Inspected, No Unit At Location
<input type="checkbox"/> Not Inspected, Unit Skirted	<input type="checkbox"/> Not Inspected, Unit Not Accessible
Inspection Date: _____ HUD/Seal #: _____	
<i>I hereby certify on this _____ day of _____, 20____ that the above inspection results are true and correct to the best of my knowledge and belief.</i>	
Inspector Signature: _____ Printed Name: _____	

DRAW MAP BELOW



(17) Installation Checklist.

Rationale: *To comply with the Federal Regulations relating to smoke alarms (§3285.703), water testing (§3285.603(e) & §3280.612) and drainage testing (§3285.605(c)).*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

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(800) 500-7074, (512) 475-2200 FAX (512) 475-3506
Internet Address: www.tdhca.state.tx.us/mh/index.htm

INSTALLATION CHECKLIST

HUD Label or Texas Seal # (s): _____ Serial # (s): _____

Date of installation: _____ Wind Zone: _____

Humid/fringe status: _____

Required Testing

Electrical testing - At the time of installation, the following tests must be performed:

___ All site installed or shipped loose fixtures must be polarity tested to determine that the connections have been properly made.

___ All grounding and bonding conductors installed or connected during the home installation must be tested for continuity.

___ An operational test must be performed on all electrical lights, equipment, ground fault circuit interrupters and appliances to demonstrate that all equipment is connected and functioning properly.

___ All Smoke detectors are functional and in working order.

Water testing – At the time of installation the water system must be inspected and tested for leaks after completion at the site. (The water heater must be disconnected when using an air-only test.)

Drainage system testing: At the time of installation the drainage system must be inspected and tested for leaks after completion at the site.

Fuel testing procedures: The gas system must be inspected and tested for leaks after completion at the site.

Method of installation – if a copy is not included because the installation was done to a method that the licensed installer uses from time to time, where is a copy of the actual methods in the installer’s records?

Once the home installation is complete an Operational Test will be performed to ensure that all doors and windows are operational.

You must complete the following as part of your installation responsibility.

- SITE PREPARATION
- LIST OF EACH DEVICE USED
- LOAD BEARING CAPACITY OF SOIL
- IS A VAPOR RETARDER REQUIRED?

And as applicable:

- SPACING OF PIERS
- SPACING OF ANCHORS
- NUMBER OF DIAGONAL TIES

Was the installer contracting directly with the consumer or were they subcontracted by another retailer or installer? Attach a copy of each contract.

Attach a list of each person who worked on the installation and how to contact them.

If Air Conditioner was provided, name and license number of Air Conditioner installer: _____

Copy of any required move permits **should be attached.**

(18) (No change.)

(19) Application for Statement of Ownership and Location.

Rationale: *Statutory compliance with §§1201.2055(b), 1201.2055(i), and 1201.219(b) revised by HB 2238. The revisions improve efficiency by incorporating the filing of a mortgage lien on the SOL application and eliminating the Notice of Lien (Other than a Tax Lien) form. The notary requirement was repealed in HB 2238.*

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506

Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR STATEMENT OF OWNERSHIP AND LOCATION

The filing of an application for the issuance of a Statement of Ownership and Location, later than sixty (60) days after the date of a sale to a consumer for residential use, may result in a fee of up to one hundred dollars (\$100). Any such application that is submitted late may be delayed until the fee is paid in full.

BLOCK 1: Transaction Identification

This application is for:		(For Department Use Only) Coding:	
Personal Property Transaction	Real Property Transaction	Lien on file: Y / N	Lienholder Code
<input type="checkbox"/> New [home application]	<input type="checkbox"/> New	County Code:	Right of Surv.: Y / N
<input type="checkbox"/> Used [home application]	<input type="checkbox"/> Used	Retailer #:	Manufacturer #:
<input type="checkbox"/> Lien Assignment			
<input type="checkbox"/> Other			

BLOCK 2(a): Home Information (required)

Manufacturer Name:		Model:	
Address:		Date of Manufacture:	
City, State, Zip:		Total Square Feet:	
License Number:		Wind Zone:	

	Label/Seal Number	Complete Serial Number	Weight	Size*	*NOTE: Size must be reported as the outside dimensions (length and width) of the home as measured to the nearest 1/2 foot at the base of the home, exclusive of the tongue or other towing device.
Section 1:				X	
Section 2:				X	
Section 3:				X	
Section 4:				X	

2(b) Is home being sold? No Yes
 If yes, and **if there is/are no HUD Label(s) or Texas Seal(s)** on your home, a Texas Seal will need to be purchased and will be issued to each section of your home at an **additional cost** of \$35.00 per section.
Indicate which section(s) needs a Texas Seal(s): _____ (Single - \$35 Double - \$70 Triple - \$105)

BLOCK 3: Home Location (required)

Physical Location of Home: (or 911 address)	Physical Address (cannot be a Rt. or P. O. Box)	City	State	ZIP	County
--	---	------	-------	-----	--------

Was home moved for this sale? No Yes [If yes, include a copy of moving permit.](#)
 Was Home Installed for this sale? No Yes If yes, provide installer information below, if known

Installer Name, address and phone:

BLOCK 4: Ownership Information (required)

4(a) Seller(s) or Transferor(s)		4(b) Purchaser(s), Transferee(s), or Owner(s)	
Name	License # if Retailer:	Name	License # if Retailer:
Name		Name	
Mailing Address		Mailing Address	
City/State/Zip		City/State/Zip	
Daytime Phone Number () -		Daytime Phone Number () -	

4(c) Date of sale, transfer or ownership change:

4(d)	Did the buyer trade-in a home to purchase this home? <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, the application transferring the ownership to the Retailer must be attached to this application. Provide the following information on the home traded in: HUD Label _____, Serial No. _____
-------------	--

HUD Label #:	Serial #:	GF# (for title co.):
---------------------	------------------	-----------------------------

BLOCK 5: Right of Survivorship (if no box is checked, joint owners will NOT have right of survivorship)

If joint owners desire right of survivorship, check the applicable box below:

Husband and wife will be the only owners and agree that the ownership of the above described manufactured home shall, from this day forward, be held jointly and in the event of death, shall pass to the surviving owner.

Joint owners are other than husband and wife, desire right of survivorship, **and** have attached a completed Affidavit of Fact for Right of Survivorship or other affidavits as necessary to meet the requirements of §1201.213 of the Standards Act.

BLOCK 6: Personal/Real Property Election - Purchaser(s)/Transferee(s)/Owner(s) check one election type:

Personal Property – Applicant elects to treat this home as personal property. All documents affecting title to the home will be filed in the records of the Department.

Real Property – I (we) elect to treat this home as real property and certify that I am (we are) entitled to make this election in accordance with Section 1201.2055 of the Occupations Code because (**one box must be checked**):

I (we) own the real property that the home is attached to. I (we) have a qualifying long-term lease for the land that the home is attached to.
 The applicant or their authorized representative is the holder or servicer of the loan.

I (We) understand that the home will not be considered to be real property until a certified copy of the SOL has been filed in the real property records of the county in which the home is located AND a copy stamped "Filed" has been submitted to the Department.

Legal description must be provided for real property: _____

If a title company, list your file or GF #: _____

Inventory – (FOR RETAILER USE ONLY) Retailer number must be provided in Block 4b if this election is checked.

BLOCK 7: Designated Use - to be designated by purchaser(s), transferee(s), or owner(s)

Residential Use (as a dwelling) OR

Non-Residential - Check **one** of the following: *Business Use* *Salvage*

BLOCK 8: Liens – Will there be any liens on the home (other than a tax lien)? No Yes If yes, complete the below lien information. the Notice of Lien form MUST be completed and attached. To prevent an SOL from being issued without a lien, in the event the Notice of Lien is detached, indicate name and phone number of lienholder's contact person and phone number.

Lienholder's Representative: _____ Phone: _____

<u>Date of First Lien:</u>		<u>Date of Second Lien:</u>	
<u>Name of First Lienholder:</u>		<u>Name of Second Lienholder:</u>	
<u>Mailing Address:</u>		<u>Mailing Address:</u>	
<u>City/State/Zip:</u>		<u>City/State/Zip:</u>	
<u>Daytime Phone:</u>		<u>Daytime Phone:</u>	

BLOCK 9: Special Mailing Instructions.

IF a copy of an SOL is to be mailed to anyone other than the owner or lienholder of record (such as a closing agent), please provide that mailing address here <u>[and enclose the additional fee].</u>	Name:	
	Company:	
	Street Address:	
	City, State, Zip:	
	Area Code/Phone	

BLOCK 10: Signatures (Notarization is Optional). [~~Certification and Notarization – The statements set forth herein are made under oath and are true and correct.~~]

~~Seller certifies that any required habitability warranty has been delivered (consumer to consumer sales are exempt).]~~

~~Seller certifies that the purchaser has been given a written disclosure on a form prescribed by the Department describing the condition of the home and of any appliances that are included in the home.]~~

10(a) Signatures [Notarized signature] of each seller/transferor	10(b) Signatures [Notarized signature] of each purchaser/transferee or owner
<p>_____ Signature of owner or authorized seller</p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____ Signature of Notary SEAL</p>	<p>_____ Signature of purchaser/transferee or owner</p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____ Signature of Notary SEAL</p>
<p>_____ Signature of owner or authorized seller</p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____ Signature of Notary SEAL</p>	<p>_____ Signature of purchaser/transferee or owner</p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____ Signature of Notary SEAL</p>
10(c) For Lien Assignments Only	
<p>_____ <u>Signature of authorized representative for previous lienholder</u></p>	<p>_____ <u>Signature of authorized representative for new lender</u></p>

(20) – (23) (No change.)

(24) Addendum to Application for SOL.

Rationale: *Added election back into form since HB 2238 repealed the notary requirement in §1201.2055(b). This will improve efficiency since it eliminates the Analyst from having to make a copy of the application for the applicant to make election and lets us utilize the addendum.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

Addendum to Application for Statement of Ownership and Location

BLOCK 1: Home Information

HUD Label: Serial Number:

BLOCK 2: Statement of Facts

(Provide the information checked below.)

1. Physical address is: (cannot be a Rt. or P.O. Box) Address City State ZIP County

2. Purchaser's mailing address is: Address City State ZIP County

3. Seller's mailing address is: Address City State ZIP County

4. Date of Sale:

5. Designated Use is: [] Residential Use (as a dwelling) OR [] Non-Residential If non-residential, specify: [] Business Use or [] Salvage

6. HUD Label number(s): Section 1 Section 2 Section 3

Home has no label number(s). I have enclosed \$35 per seal, per section (Singlewide \$35 Double \$70, Triple \$105)

Home has no label OR serial number anywhere on the home. I have stated so under oath, in a sworn statement, on the back of this form.

7. Election: Real Property Personal Property If real property, provide the legal description below.

8.[7-] Legal Description:

Legal description lines

Block 3: Signature(s)

I hereby state to the Manufactured Housing Division of the Texas Department of Housing and Community Affairs as follows:

In connection with my application for a Statement of Ownership and Location for the above-described manufactured home, I hereby provide the following information as an addendum to my application:

(Seller's Signature)

(Purchaser's Signature)

(Seller's Signature)

(Purchaser's Signature)

(25) – (26) (No change.)

(27) Taxing Entity Application for Texas Seal (Form S).

Rationale: *Removed payment information because there is no fee for taxing entities to obtain a Texas Seal.*

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

TAXING ENTITY APPLICATION FOR TEXAS SEAL

FORM S

Please type or print clearly. Please fill out form completely.

BLOCK 1: Home Information (Must be completed.)

Manufacturer Name:		Year of Manufacture:	
Model:		Date of Seizure:	
	Size (Width X Length)	<i>(Department Use Only)</i> Seal #	
Section One:	X	TXS	
Section Two:	X	TXS	
Section Three:	X	TXS	

BLOCK 2: Payment Information

[Single Section: \$35]

[Double Section: \$70]

[Triple Section: \$105]

[Please make cashier's check or money order payable to: TDHCA]

BLOCK 2[3]: Address Where Seal Is To Be Mailed

Please make sure the address below is complete. This form will be returned to you using a window envelope.

Retailer/Installer License Number (if applicable):

Name:	Day Phone #: ()
Mailing Address:	
City/State/Zip:	

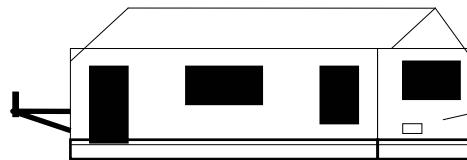
BLOCK 3[4]: Location of Seal on Manufactured Home

The seal must be placed on the manufactured home after you receive it from this office. If it is a double or triple section home, place the Texas Seal in the same location on each section. Please follow the drawing below for affixing the seal(s) to your home.

Front



Rear



Texas Seal should be placed here.

BLOCK 4[5]: Certification

By signing, I certify to the best of my knowledge that no serial number, HUD Label or Texas Seal can be found on this manufactured home and that the home to which the Texas Seal will be affixed meets the definition of a HUD-Code manufactured home or a mobile home as defined in Chapter 1201 of the Occupations Code (on back). It is understood that the Texas Seal is issued for identification purposes only and may not be construed to imply that the home is habitable or that the purchaser of the home at a tax sale may obtain a title document from the department without an inspection for habitability.

Signature

Title

Date

Occupations Code

§1201.459. Compliance Not Required for Sale for Collection of Delinquent Taxes

- (a) In selling a manufactured home to collect delinquent taxes, a tax collector is not required to comply with this subchapter or another provision of this chapter relating to the sale of a used manufactured home.
- (b) If a home does not have a serial number, seal, or label, the tax appraiser or tax assessor-collector may apply to the department for a seal if the tax appraiser or assessor-collector assumes full responsibility for the affixation of a seal to the home and the seal is actually affixed on the home.**
- ~~[(b) If the home does not have a serial number, seal, or label, the tax collector may:]~~
- ~~[(1) apply to the department for a seal;]~~
- ~~[(2) pay the applicable fee; and]~~
- ~~[(3) recover that fee as part of the cost of the sale of the home.]~~
- (c) A [The] seal issued to a [the] tax assessor-collector is for identification purposes only and does not imply that:
- (1) the home is habitable; or
 - (2) a purchaser of the home at a tax sale may obtain a new statement of ownership and location [document of title] from the department without an inspection for habitability.

Definitions

"Mobile Home" means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, 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 which is built on a permanent chassis 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.

"HUD-code manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, 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 which 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. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

(28) (No change.)

(29) Instructions to Third Party Closer.

Rationale: *Statutory compliance with §1201.206(a) revised by HB 2238.*

INSTRUCTIONS TO THIRD PARTY CLOSER

[On sale of a manufactured home that is personal property at the time of sale, exchange, or lease-purchase but is to be converted to real property]

[Name and address of title company, attorney, or other party closing the transaction]

Re: Sale, exchange, or lease-purchase of the manufactured home (the “Home”) identified by:

Texas seal or HUD label number(s): _____

Serial Number(s): _____

To: _____ **(the “New Owner”)**

Dear Third Party Representative:

The undersigned is licensed as a retailer under the Texas Manufactured Housing Standards Act, Tex. Occ. Code, Chapter 1201 (the “Act”) and has entered into an agreement to sell, exchange, or lease-purchase the Home to the New Owner. It is contemplated that in connection with the closing of this transaction, the New Owner will elect to treat the Home as real property in accordance with Section 1201.2055 of the Act. In closing this transaction, you are hereby directed to perform each of the following:

- 1) Obtain the New Owner(s)’ signature(s) on the enclosed Application for Statement of Ownership and Location and have it (them) notarized.
- 2) Insert your name and address in Block 9 of the Application for Statement of Ownership and Location as the person and place to which the Statement of Ownership and Location should be delivered.
- 3) Collect the \$55 fee for Application for Statement of Ownership and Location and all necessary recording fees.
- 4) File the **original** completed[] and executed[, and notarized] Application for Statement of Ownership and Location **and original MCO (if the home is new)** with:

Texas Department of Housing and Community Affairs
Manufactured Housing Division
P. O. Box 12489
Austin, TX 78711-2489

This step must BY LAW be completed no later than the 60th day after the closing of the sale, exchange, or lease-purchase. Delay beyond that date may give rise to the incurring of penalties, for which you will be held responsible in the event they are assessed.

5) Upon receipt of a recordable copy of the Statement of Ownership and Location that is issued by the Texas Department of Housing and Community Affairs, Manufactured Housing Division, record that document in the real property records for the county where the Home is reflected as being located.

6) Notify the Tax Assessor-Collector for the county where the Home is located that the Statement of Ownership and Location has been recorded.

7) Provide the Texas Department of Housing and Community Affairs, Manufactured Housing Division with a copy of the file stamped, recorded Statement of Ownership and Location, accompanied by a statement confirming that step 6, above, was done.

Steps 5, 6, and 7 MUST be done within the 60 day period following the date of issuance of the Statement of Ownership and Location by the Texas Department of Housing and Community Affairs.

These instructions are in addition to and not in lieu of any instructions provided by any lender or other party.

In the event that the Texas Department of Housing and Community Affairs, Manufactured Housing Division requires any additional information in order to process the Application for Statement of Ownership and Location, you may contact the undersigned for assistance.

The Application for Statement of Ownership and Location, completed and executed by the undersigned but still requiring the completion and notarized execution by the New Owner(s) is enclosed herewith.

This instructions letter is being sent as an original and a copy. Please acknowledge these instructions in the space provided on the copy and return it to the undersigned at:

[]

Please do not hesitate to call if there is anything further you require in this regard.

Sincerely,

Enclosures

Acknowledged this ____ day of _____, ____.

By: _____

(30) Notice of [~~Lien for~~] Tax Lien/Release Form.

Rationale: *Revised the title of the form, contact phone numbers, signature lines, and information in the section for Department use.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489

(800) 500-7074, ~~x5-2889, (512) 475-2889~~ FAX (512) 463-7951 [~~(512) 475-2200 FAX (512) 475-1109~~]

Internet Address: www.tdhca.state.tx.us/mh/index.htm

NOTICE OF ~~LIEN FOR~~ TAX LIEN/RELEASE

Please type or print clearly.

BLOCK 1: Information

Taxpayer Name and Tax Roll Account # are for information purposes only. All other information is REQUIRED.

HUD Label or Texas Seal #: _____ **OR** Serial #: _____

Tax Roll Account #: _____

Complete 8-Digit Taxing Entity ID #: _____

County Code (3 digits): _____

County Name: _____

Tax Year Recorded/Released: _____

Amount of Lien (Aggregate amount if Central Tax Collector is filing for multiple entities.): _____

Name of person in whose name the manufactured home is listed on the tax roll: _____
(Name)

Taxpayer Address: _____
(Address)

(City) (State) (Zip Code)

Collector's Name & Name of Taxing Entity: _____

Collector's Address: _____
(Address)

(City) (State) (Zip Code)

Collector's Phone #: ()

BLOCK 2: Signature REQUIRED for Tax Lien Recording

I hereby certify that the lien being **RECORDED** with this form is in accordance with all applicable provisions of the Tax Code. If this lien recordation is done as a central collector, the undersigned further represents that it is on file as a central collector with the Texas Department of Housing and Community Affairs and that such records are complete and current.

(Signature of Tax Collector or Authorized Representative [Collector's Signature]) (Date)

BLOCK 3: Signature REQUIRED for Tax Lien Release

I hereby certify that the lien being **RELEASED** with this form has been discharged and should be removed from the records of the Texas Department of Housing and Community Affairs. If this lien release is done as a central collector, the undersigned further represents that it is on file as a central collector with the Texas Department of Housing and Community Affairs and that such records are complete and current.

(Signature of Tax Collector or Authorized Representative [Collector's Signature]) (Date)

Department Use Only

Filing NOT processed because:

- | | |
|--|---|
| <input type="checkbox"/> Home is elected as real property. | <input type="checkbox"/> No signature was provided. |
| <input type="checkbox"/> No dollar amount indicated. | <input type="checkbox"/> No tax roll account number was provided. |
| <input type="checkbox"/> No serial or label number. | <input type="checkbox"/> No taxing unit ID number was provided. |
| <input type="checkbox"/> Lien listed is not on file. | <input type="checkbox"/> No tax year was provided |
| <input type="checkbox"/> Record received after the filing deadline. | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Only one taxing entity and dollar amount can be listed on the form when recording a lien. | |

Date Rejected.

[Filing NOT Recorded because:
 No manufactured home ID#(s) provided.

**[Filing Recorded
Date:]**

- ~~Our records indicate that this home is real property. No lien can be recorded.~~
- ~~Received after the filing deadline.~~
- ~~Required Information not provided.]~~

- (31) HUD Disclosure to Consumer Regarding Dispute Resolution [Notice of Lien to Perfect a Lien (Other than Tax Lien) Form].

Rationale: *Statutory compliance with §1201.219(b) revised by HB 2238, which enables the Notice of Lien (Other than a Tax Lien) form to be incorporated in the SOL. No separate form needed.*

The new Dispute Resolution form is added to comply with Federal Regulations, 24 CFR §3288.5.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

HUD Disclosure to Consumer Regarding Dispute Resolution

Name of Retailer or Installer: _____

License No.: _____

Effective: 02/08/08

24 CFR § 3288.5 Retailer notification at sale.

Retailer notice at the time of signing. At the time of signing a contract for sale or lease for a manufactured home, the retailer must provide the purchaser with a retailer notice. This notice may be in a separate document from the sales contract or may be incorporated clearly in a separate section on consumer dispute resolution information at the top of the sales contract. The notice must include the following language:

“The U.S. Department of Housing and Urban Development (HUD) Manufactured Home Dispute Resolution Program is available to resolve disputes among manufacturers, retailers, or installers concerning defects in manufactured homes. Many states also have a consumer assistance or dispute resolution program. For additional information about these programs, see sections titled “Dispute Resolution Process” and “Additional Information— HUD Manufactured Home Dispute Resolution Program” in the Consumer Manual required to be provided to the purchaser. These programs are not warranty programs and do not replace the manufacturer’s, or any other person’s, warranty program.”

Consumer Signature

Consumer Printed Name

Date

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
P. O. BOX 12489 — Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhea.state.tx.us/mh/index.htm

**NOTICE OF LIEN
TO PERFECT A LIEN (OTHER THAN TAX LIEN)**

BLOCK 1: Home Information (required)

	<i>Label/Seal Number</i>	<i>Complete Serial Number</i>
Section 1:		
Section 2:		
Section 3:		
Section 4:		

BLOCK 2: Liens – Specify any liens (other than tax liens), charges, or other encumbrances to be recorded on the SOL

Effective Date of Lien:		Effective Date of Lien:	
Name of First Lienholder:		Name of Second Lienholder:	
Mailing Address:		Mailing Address:	
City/State/ZIP:		City/State/ZIP:	
Daytime Phone Number:	()	Daytime Phone Number:	()
Dollar amount of Lien:	\$	Dollar Amount of Lien:	\$

BLOCK 3: Signature of owner/borrower

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Signature of purchaser/transferee or owner</i>	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> <i>Signature of purchaser/transferee or owner</i>
--	--

BLOCK 4: For Lien Assignments

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of Former Lienholder <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Authorized Representative Sworn and subscribed before me this ____ day of _____, 20__ <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Notary SEAL	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Name of New Lienholder <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Authorized Representative Sworn and subscribed before me this ____ day of _____, 20__ <hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature of Notary SEAL
--	---

(32) – (34) (No change.)

(35) Application for License Renewal (other than a salesperson).

Rationale: *Statutory compliance with §1201.114(a) and §1201.113.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR LICENSE RENEWAL (OTHER THAN SALESPERSONS)

Renew your license in one of 3 ways:

- **NEW! Renew online using a credit card or electronic check.** For eligibility requirements and other information, visit us on the web at www.tdhca.state.tx.us/mh/industry-info.htm. Please help us improve by completing the survey afterward.
- Complete this application and mail it with the renewal fee and proof that you completed the continuing education to: TDHCA, P.O. Box 12489, Austin, Texas 78711-2489
- Deliver in person this completed application with the fee to [the MHD's physical location in \[on the 1st floor at: 221 East 11th Street,\] Austin, Texas](#)

BLOCK 1: Applicant Information (Please type or print clearly.)

License Number: _____ Current Business Name: _____
 Expiration Date: ____ / ____ / ____ Current Mailing Address: _____
 City/State/ZIP: _____

Has there been a business name change that you have not yet reported to TDHCA? Yes No
If yes, you must submit acceptable evidence that your bond covers the changes.

Has there been any change in location that you have not yet reported to TDHCA? Yes No
If yes, you must submit acceptable evidence that your bond covers the changes.

Has there been any change in corporate officers that you have not yet reported to TDHCA? Yes No
If yes, please list name(s) and date(s) of birth on the back of this page.

Have you, or a corporate officer or partner, been convicted in Texas or any other state of any felony or misdemeanor offense, other than a class c misdemeanor for a traffic violation, in the last **24[+2]** months? Yes No
If yes, please visit our website or contact our office to obtain a *Criminal Conviction Affidavit*, which you must complete and submit with this application.

Have you completed the requirements for continuing education? Yes No
If yes, please attach the class certificate.

Are you in arrears on any taxes owed the State of Texas? Yes No
If yes, please call Tax Assistance at (512) 463-4600 or 1-800-252-5555.

Are you in arrears on a guaranteed student loan? Yes No
If yes, please call the Guaranteed Student Loan Corporation at (512) 835-1900.

Attach a list of all related persons to this application as required by §1201.103 of the Standards Act.

BLOCK 2: License Type and Fees

Please check one:	<input type="checkbox"/> Retailer (R)	\$550	<input type="checkbox"/> Retailer/Installer (RI)[*]	\$900
	<input type="checkbox"/> Broker (B)	\$350	<input type="checkbox"/> Retailer/Broker/Installer (RBI)[*]	\$1250
	<input type="checkbox"/> Installer (I)[*]	\$350	<input type="checkbox"/> Salvage Rebuilder (S)	\$550
	<input type="checkbox"/> Retailer/Broker (RB)	\$900	<input type="checkbox"/> Manufacturer (M)	\$850

[* Installers must have a current certificate of insurance on file or submit it with this notice.]

BLOCK 3: Certification

With knowledge of the penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.

_____ (____)____-____ _____
 Printed Name and Title Phone Number Signature of Owner or Corporate Officer Date

Department Use Only: License Renewal Fee Received Date Received: ____ / ____ / ____

(36) – (37) (No change.)

(38) ~~[Probationary]~~ Notice of Installation (Form T) for Provisional Installer's License.

Rationale: *Statutory compliance with §1201.104(f) revised by HB 2238 and formatting corrections.*

PROVISIONAL
[PROBATIONARY]
INSTALLATION

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
 P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdca.state.tx.us/mh/index.htm

Fax this report within 3 working days from the date of installation to your assigned field office. Mail the original and fee by regular mail to the address on the letterhead.

NOTICE OF INSTALLATION (FORM T)

HUD Label or Texas Seal # (s): _____ Serial # (s): _____

Manufacturer Name: _____ License No. _____

Home Size - Width / Length: _____ X _____ Weight _____ Date of Manufacture: ____/____/____ Model / Name: _____

Draw A Map To Provide Directions To Home On Page 2

Consumer: _____ Phone Numbers: Home: (____) _____ Work: (____) _____

Mailing Address: _____ City _____ ZIP: _____

Site Address: _____ City _____ ZIP: _____

County Where Home is Installed: _____

Actual Installation Date: ____/____/____ Wind Zone on Data Plate: I (____) II (____) III (____)

Is the home installed in a Humid & Fringe Climate Yes (____) No (____) Was the home labeled for alternate construction. Yes (____) No (____)

	Name	Address	License #	Expiration Date	Phone #
Retailer					
Installer					

(____) New (____) Used Does retailer or installer provide skirting? Yes (____) No (____)

Is installation part of sales contract of used home? Yes (____) No (____) Not Applicable (____)

New Home - The home has been installed in accordance with:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

Used Home:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. State Generic Standards - Title 10 Texas Administrative Code (10 TAC) §§80.22, 80.23, 80.24, and 80.25.
- (____) 3. A stabilization system registered with the Department in accordance with 10 TAC §80.26 - provide name of system or reference to MHD Approval Letter or registration _____.
- (____) 4. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

FOR USED HOMES, IF NO METHOD IS CHECKED, IT WILL BE PRESUMED THAT OPTION 2 (STATE GENERIC STANDARDS) WAS USED.

To be submitted to the Department along with the required fee no later than the 3rd day after which the installation is completed. The Installation Report (Form T) should not ~~no longer~~ be submitted with the title documents.

Per §1201.206(i): On secondary moves the notice must be accompanied by either the original notice of installation or a certification that a true and correct copy of the notice of installation has been provided to the chief appraiser of the county where the home is installed. The delivery of the copy of the notice to the chief appraiser may be accomplished by either certified mail or by electronic mailing of the electronically reproduced document in a commonly readable format.

I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct. Executed this _____ day of _____, _____.

Signature (Retailer/Installer)

Name (print or type)

NOTE: A minimum of five (5) provisional ~~probationary~~ installations must be inspected without violations for a provisional ~~probationary~~ installer's license to become a full installer's license.

Department Use Only	
<input type="checkbox"/> Inspected Without Violations	<input type="checkbox"/> Not Inspected, Unable to Locate
<input type="checkbox"/> Inspected With Violations	<input type="checkbox"/> Not Inspected, No Unit At Location
<input type="checkbox"/> Not Inspected, Unit Skirted	<input type="checkbox"/> Not Inspected, Unit Not Accessible
Inspection Date: _____ HUD/Seal #: _____	
<i>I hereby certify on this _____ day of _____, 20_____ that the above inspection results are true and correct to the best of my knowledge and belief.</i>	
Inspector Signature: _____	Printed Name: _____

DRAW MAP BELOW



(39) Notice of Intent to Acquire Ownership of Abandoned Manufactured Home.

Rationale: *Statutory compliance with §1201.217(b) revised by HB 2238, which requires that notice be also given to any known intervening owners of liens or equitable interest.*

This notice must be sent by certified mail, return receipt requested, to the owner of record of the manufactured home described below and each lien holder, including any holder of a tax lien, reflected in the official records of the Texas Department of Housing and Community Affairs, Manufactured Housing Division, as of the date that this notice is sent.

IMPORTANT NOTICE OF INTENT TO ACQUIRE OWNERSHIP OF AN ABANDONED MANUFACTURED HOME

RE: Manufactured Home with HUD label, Texas Seal and/or Serial Number(s) _____
_____ (the "Home")

Name and address of owner(s) of record:

Name and address of 1st lienholder of record:

Name and address of any intervening owners
of liens or equitable interest:

Name and address of 2nd lienholder of record:

Name and address of Tax Assessor-Collector
where home is located:

Dear _____:

The above-referenced Home is on my real property located at _____
_____ and appears to have been abandoned. It has
been continuously unoccupied for at least four months, and the following indebtedness, secured by the
Home, is delinquent (insert description of indebtedness including holder/payee):

It is my INTENT TO DECLARE THE HOME ABANDONED. It is my intent forty-five (45) days from the date of this letter, to declare the Home to be abandoned and to apply to the Texas Department of Housing and Community Affairs, Manufactured Housing Division, for a Statement of Ownership and Location with respect to the Home, reflecting me to be the owner of the Home, free and clear of any liens, all in accordance with Tex. Occ. Code, §1201.217.

(Printed Name of Real Property Owner)

(Signature of Real Property Owner)

(40) Affidavit of Fact for Abandonment.

Rationale: *Statutory compliance with §1201.217(b) & (f) revised by HB 2238.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109

Internet Address: www.tdhca.state.tx.us/mh/index.htm

Affidavit of Fact for Abandonment
(Sworn Statement)

BLOCK 1: Home Information

Manufacturer: Model:
Serial Number: Label # and/or Seal #:

BLOCK 2: Statement of Facts

I own the real property on which the manufactured home identified above is located. Such manufactured home has been continuously unoccupied for at least four (4) months. Any indebtedness secured by the manufactured home is delinquent. I have made reasonable efforts to locate and give notice to all owners and lienholders of record with the Department that I am seeking to acquire ownership of this manufactured home pursuant to Tex. Occ. Code, Section 1201.217, Manufactured Home Abandoned. The manufactured home has remained on the real property for at least forty-five (45) days after the date that each such notice was postmarked. As evidence that all notice requirements have been fulfilled and that I am entitled to a statement of ownership and location reflecting me as the owner of the manufactured home, I have attached a true and correct copy of each of the following documents:

- Each notice and the return receipt for certified mail that was sent to the following:
- Each owner of the home at the address(es) on the statement of ownership and location records of the Department.
- Each lienholder, including the county in which the home is located, and each holder of a recorded tax lien, on the statement of ownership and location records of the Department.
- Each intervening owner of lien or equitable interest.
Evidence that any indebtedness secured by the manufactured home is delinquent.
Neither the affiant nor any person related or affiliated with them has now, or has ever, owned an interest in the manufactured home.

For any certified mail for which the return receipt indicated that such mail was unclaimed or undeliverable, I have made a reasonable effort to determine the location of the party to whom such mail was addressed and, if I could locate an alternative address, I sent them the same notice at the alternative address by certified mail, and copies of the return receipts for such certified mail are attached.

I certify that my ownership of the above-described real property is duly recorded in the deed or real property records for the county where such property is located.

BLOCK 3: Signatures (Notarization is REQUIRED)

(Signature)

(Signature)

Before me personally appeared the person(s) whose signature(s) appear above, who by being sworn, upon oath, say that the statements set forth hereinabove are true and correct. Subscribed and sworn before me this ___ day of ___ 20___.

(Name of Notary)

(Notary Public)

(Commission Expires)

SEAL

Notary Public State of Texas

(41) (No change.)

(42) Application for Salesperson's License Renewal.

Rationale: *Statutory compliance with §1201.103(d)(1) and §1201.113 revised by HB 2238.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR SALESPERSON'S LICENSE RENEWAL

Renew your license in one of 3 ways:

- Renew online using a credit card or electronic check. For eligibility requirements and other information, visit us on the web at www.tdhca.state.tx.us/mh/industry-info.htm. Please help us improve by completing the survey afterward.
- Complete this application and mail it with the renewal fee to: TDHCA, P.O. Box 12489, Austin, Texas 78711-2489
- Deliver in person this completed application with the fee to the MHD's physical location in/on the 1st floor at: 221 East 14th Street, Austin, Texas

Type	Renewal Fee	1 to 90 days late (1 ½ times the renewal)	90 to 364 days late (2 times the renewal fee)
Salesperson	\$200	\$300	\$400

BLOCK 1: Salesperson Information (Please type or print clearly.)

License Number: _____ Expiration Date: _____ / _____ / _____

Name: _____

Current Mailing Address: _____

City/State/ZIP: _____

Home Phone: _____

Work Phone: _____

Have you been convicted in Texas or any other state of a felony or misdemeanor offense, other than a Class C misdemeanor for a traffic violation, in the last 24 months? Yes No

Have you completed the requirements for continuing education? Yes No
If yes, please attach the class certificate

If yes, please visit our website or contact our office to obtain a *Criminal Conviction Affidavit*.

BLOCK 2: Employer Information

Name of Sponsoring Retailer
or Broker: _____

Sponsoring Retailer's or
Broker's Address: _____

City/State/ZIP: _____

Sponsoring Retailer's or
Broker's License#: _____

BLOCK 3: Certification

License is subject to revocation, if the Department is **NOT** notified in writing of any changes in the information given on this application or if there is a violation of the law. Evidence that the continuing education requirements of §1201.113 have been completed must be received by the Department before the license can be renewed.

With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.

 (Signature of Applicant)

 (Date)

 (Signature of Sponsoring Retailer or Broker)

 (Date)

Department Use Only: License Renewal Fee Received Date Received: _____ / _____ / _____

(43) Application for Continuing Education [License Instruction] Providers.

Rationale: *Revised the title from Application for License Instruction Providers to Application for Continuing Education Providers.*

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR CONTINUING EDUCATION [~~LICENSE INSTRUCTION~~] PROVIDER

(Please type or print clearly.)

Check one: 20 Hour Initial Licensing Class 8 Hour Continuing Education Class

1. Legal Business Name:

2. Have you ever been an approved Continuing Education [~~License Instruction~~] Provider by TDHCA?

YES NO If yes, provide dates: _____

3. Physical Location Address:

City, State, ZIP and County

4. Phone:

Fax:

5. Mailing Address:

City, State, ZIP and County

6. Email Address:

7. Provide complete list of all instructors (additional instructors may be listed on a separate sheet). Attach biographies and credentials for each instructor.

Legal Name and Title	Mailing Address, City, State and ZIP	Phone

Certification

Continuing Education [~~License Instruction~~] Provider is subject to revocation, if the Department is **NOT** notified in writing of any changes in the information given on this application or if there is a violation of the law. Included with this application is a true and correct copy of the course material to be used for said course. With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents are true and correct.

 (Signature of Applicant or President, if incorporated)

 (Date)

 (Signature of Secretary, if incorporated)

 (Date)

Department Use Only

Education:

Copy of Course Material

Fees:

\$300.00 Fee

Additional Requirements:

- Biography for each instructor
- Credentials for each instructor
- Schedule of fees to be charged for the course

(44) – (46) (No change.)