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Texas Department of Housing and Community Affairs  
Manufactured Housing Board Meeting  
on December 9, 2005

Valeri Stiers Malone, Chair

Michael H. Bray, Member

Carlos Amaral, Member

Kimberly A. Shambley, Member

Frances Shannon, Member

**Texas Department of Housing and Community Affairs**  
**Manufactured Housing Board Meeting**  
**December 9, 2005**

**ROLL CALL**

	<u>Present</u>	<u>Absent</u>
Valeri Stiers Malone, Chair	_____	_____
Michael H. Bray, Member	_____	_____
Carlos Amaral, Member	_____	_____
Kimberly A. Shambley, Member	_____	_____
Frances Shannon, Member	_____	_____
Number Present	_____	
Number Absent		_____

\_\_\_\_\_, Presiding Officer

**MANUFACTURED HOUSING BOARD MEETING**  
**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**William B. Travis State Office Building**  
**1701 N. Congress Ave., Room 1-100, Austin, Texas 78701**  
**December 9, 2005      1:30 p.m.**

**AGENDA**

**CALL TO ORDER, ROLL CALL**  
**CERTIFICATION OF QUORUM**

Chair  
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. | Presentation, discussion and consideration to approve minutes of board meeting of October 20, 2005.  | Chair       |
| Item 2. | Presentation, discussion and consideration to approve extending PSIA, Inc./TXMHS as a Continuing Education Provider for classroom and online courses from January 1, 2006 through December 31, 2007. | James Hicks |
| Item 3. | Presentation, discussion and consideration to approve adoption of proposed §80.208.  | Tim Irvine  |

**EXECUTIVE SESSION**

Consultation with Attorney to obtain legal advice regarding proposed rules pursuant to §551.071, Texas Government Code.

**RECONVENE**

Reconvene in public session to take action on matters discussed in Executive Session.

**REPORT ITEMS**

Executive Director's Report Tim Irvine

**PUBLIC COMMENT**

Chair

**ADJOURN**

Chair

*To access this agenda or request information, please visit our website at [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us) or contact Sharon Choate, TDHCA, 507 Sabine, Austin, Texas 78701, 512-475-2206, [sharon.choate@tdhca.state.tx.us](mailto: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 BOARD OF DIRECTORS  
MANUFACTURED HOUSING DIVISION**

**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**

On Thursday, October 20, 2005, at 9:36 a.m. the Department held the regular meeting of the Board of Directors (the "Board") of the Manufactured Housing Division ("MHD") of the Texas Department of Housing and Community Affairs ("TDHCA") in the TDHCA Board Room on the 4<sup>th</sup> Floor at 507 Sabine, Austin, Texas. Ms. Valeri Malone presided. The following members, constituting a quorum, were present and voting: Michael Bray, Valeri Malone, Kimberly Shambley, and Frances Shannon. Pete Moreno was absent.

The chairman called roll and declared the presence of a quorum. The minutes of the previous meeting were approved unanimously upon motion by Michael Bray and second by Kimberly Shambley.

Joe Garcia presented action item 2 for discussion and consideration to approve the Positive Beginnings, Inc./Texas Manufactured Housing Association request for approval as a Continuing Education Provider. This was unanimously approved upon motion by Michael Bray and second by Kimberly Shambley.

Joe Garcia presented action item 3 for discussion and consideration to approve the All Star Professional Training, Inc. request for approval as a Continuing Education Provider. This was unanimously approved upon motion by Michael Bray and second by.

Tim Irvine presented action item 4 for discussion and consideration to approve the proposed Manufactured Housing Rules, 10 TAC, Chapter 80, for adoption with revisions. Mr. Irvine discussed the revisions made from comments received and that the request to adopt does not include §80.208 relating to tax liens. The request to adopt the rules with revisions, with the exception of §80.208, was unanimously approved upon motion by Kimberly Shambley and second by Michael Bray.

Section 80.208 was discussed separately to request withdrawal of the original proposal and republish as a proposed rule with substantive changes. The request to republish proposed rules with substantive changes was approved upon motion by Valeri Malone and second by Michael Bray. Kimberly Shambley voted against the motion.

There being no further business to come before the Board, the meeting was adjourned at **4:32 p.m.**

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Sharon Choate  
Secretary

Approved:

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Valeri Stiers Malone, Presiding Officer

*Agenda Action Item No. 2*



**MANUFACTURED HOUSING DIVISION**

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**Rick Perry**  
GOVERNOR

**Timothy K. Irvine**  
EXECUTIVE DIRECTOR

**Board Members**

*Presiding Officer, Valeri Stiers Malone*

Michael H. Bray

Carlos Amaral

Kimberly A. Shambley

Frances Shannon

TO: Governing Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs

FROM: Jim R. Hicks, Consumer Protection Supervisor

THROUGH: Timothy K. Irvine, Executive Director

SUBJECT: PSIA, Inc./TXMHS (Texas Manufactured Housing School) Request for Approval to Continue as a Continuing Education Provider

DATE: December 9, 2005

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PSIA, Inc – TXMHS (“TXMHS”) is currently approved as a Continuing Education Provider offering both classroom and online classes until December 31, 2005. TXMHS has been an approved provider since November 10, 2003. TXMHS satisfies the statutory requirements regarding providing continuing education as set forth in Section 1201.113 of the Occupations Code. There have been no changes to the course, other than updated laws and rules, since TXMHS was last approved as a Continuing Education Provider.

Management has reviewed the renewal submission of TXMHS and recommends that its request be approved.

*Agenda Action Item No. 3*  
**Proposed Manufactured Housing Rule**  
*Administrative Rules of the Texas Department of Housing and Community Affairs*  
*10 Texas Administrative Code, Chapter 80*

**§80.208. Recording Tax Liens ~~{Lien}~~ on Manufactured Homes.**

- (a) Tax liens shall be filed with the Department using the form provided in this section. No other form will be accepted for the filing of tax liens. The form must be properly completed. ~~{For all manufactured homes sold, or to which ownership is transferred, after December 31, 1985 and before August 31, 2001 and for all manufactured homes that are not real property sold, or to which ownership is transferred after December 31, 1985, the recording of a tax lien notice filed with the department constitutes constructive notice of the existence of the lien to all purchasers of the manufactured home who purchase it after the date of recordation of the lien and before the collector for the taxing unit files a notice canceling the tax lien.}~~
- (1) Each filing must set forth the name of the taxpayer, and, except as provided herein, the taxpayer must be a person reflected on the Statement of Ownership and Location at the time of the filing as being an owner of the home. For tax lien filings made prior to October 1, 2005, the names of the taxpayers will not be required or considered. For tax years 2005 and later, the taxpayer and a person reflected on the Statement of Ownership and Location as an owner of the home must be the same person. If a filing is rejected because the names of the taxpayer and the owner do not appear to match, the filing will be recorded if the filing authority can, within two weeks of the date that the rejection of the filing is sent, correct the filing by providing evidence establishing that the taxpayer and the owner of the home are, in fact, the same and that the filing is otherwise proper.
- (2) No tax lien will be recorded if any of the required information set forth on the promulgated form is missing or incorrect.
- (b) In determining whether a taxpayer and a homeowner on whose home a tax lien is being filed are the same, the following factors will be considered: ~~{If a tax lien filed with the department in accordance with this section ceases to exist, the collector for the taxing unit shall file a notice with the department stating that the lien no longer exists. Such notice shall be filed no later than ten (10) calendar days after payment of the taxes.}~~

- (1) Whether the last names are identical. If one of the names is a hyphenated name, one portion of it must match the corresponding last name exactly.
- (2) The first names must be reasonably similar. For example, an initial that corresponds to a name would be accepted, as would a common variation or nickname, such as “Nick” instead of “Nicholas” or “Jan” instead of “Janet.”
- (3) Suffixes, if present for both names, must match.
- (c) Any tax lien filing that was received prior to October 1, 2005, missing the required information specified in these rules, which was corrected and resubmitted in recordable form on or before December 1, 2005, will be treated as having been timely filed; provided, however, that if, prior to the receipt and recordation of any such corrected filing, ownership of the subject home was transferred to a *bona fide* purchaser or a lien, other than a tax lien, was filed with the Department on that home, the transferee and/or the lien holder, as the case may be, were entitled to the issuance of a statement of ownership and location reflecting their interest free and clear of the tax lien made the subject of the correction filing, and the amended and corrected filing will not be recorded. ~~{A personal property tax lien may not be enforced against a manufactured home transferred to a bona fide purchaser who does not have constructive notice of the existence of the lien.}~~
- (d) For tax liens recorded after June 18, 2005, but prior to the effective date of these rules, those tax liens relating to tax years prior to 2001 will be disregarded and will not be treated as having been recorded.

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  
Pursuant to the Texas Manufactured Housing Standards Act, Chapter 1201 of the Occupations Code  
Internet Address: [www.tdhca.state.tx.us/mh/index.htm](http://www.tdhca.state.tx.us/mh/index.htm)

**TAX LIEN  
RECORD/RELEASE**

*Please type or print clearly.*

**BLOCK 1: Required Information**

**HUD Label or Texas Seal #:** \_\_\_\_\_ **OR** **Serial #:** \_\_\_\_\_

**Tax Roll Account #:** \_\_\_\_\_

**Complete 8-Digit Taxing Unit ID #:** \_\_\_\_\_

**County Code (3 digits):** \_\_\_\_\_

**County Name:** \_\_\_\_\_

**Year for which taxes are owed:** \_\_\_\_\_

**Taxpayer Name:** \_\_\_\_\_  
*(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.

\_\_\_\_\_  
*(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.

\_\_\_\_\_  
*(Collector's Signature)* *(Date)*

**Department Use Only**

**Filing Recorded  
Date:**

**Filing NOT Recorded because:**

- No record found with the manufactured home ID#(s) provided.
- No manufactured home ID#(s) provided.
- Our records indicate that this home is real property. No lien can be recorded.
- Received after the filing deadline.
- Tax year was not provided.
- Taxing unit ID# is missing or incomplete.
- No signature was provided.