



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS**  
**MANUFACTURED HOUSING DIVISION**

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February 8, 2008

Dear Tax Official:

Please find for your information, excerpts from Chapter 32 of the Tax Code and Chapter 1201 of the Occupations Code. The Division would like to draw your attention to the following provisions, effective January 1, 2008:

Section 32.03 of the Tax Code. **RESTRICTIONS ON PERSONAL PROPERTY TAX LIEN.**

(a) Except as provided by Subsection (a-1), a tax lien may not be enforced against personal property transferred to a buyer in ordinary course of business as defined by Section 1.201(9) of the Business & Commerce Code for value who does not have actual notice of the existence of the lien.

(a-1) **With regard to a manufactured home, a tax lien may be recorded at any time not later than six months after the end of the year for which the tax was owed.** A tax lien on a manufactured home may be enforced if it has been recorded in accordance with the laws in effect at the time of the recordation of the lien. A properly recorded tax lien may not be enforced against a new manufactured home that is owned by a person who acquired the manufactured home from a retailer as a buyer in the ordinary course of business.

(b) **A bona fide purchaser for value or the holder of a lien recorded on a manufactured home statement of ownership and location is not required to pay any taxes that have not been recorded with the Texas Department of Housing and Community Affairs.** In this section, manufactured home has the meaning assigned by Section 32.015(b). **Unless a tax lien has been filed timely with the Texas Department of Housing and Community Affairs, no taxing unit, nor anyone acting on its behalf, may use a tax warrant or any other method to attempt to execute or foreclose on the manufactured home.**

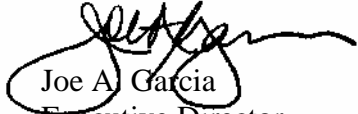
Section 1201.206(g) of the Occupations Code. **APPLICATION FOR ISSUANCE OF STATEMENT OF OWNERSHIP AND LOCATION.**

(g) When the seller files an application for the issuance of a statement of ownership and location for a used manufactured home that is not in a retailer's inventory, **the seller shall also file with the department a statement from the tax assessor-collector that there are no personal property**

**taxes due on the manufactured home that may have accrued on each January 1 that falls within the 18 months before the date of the sale.**

We appreciate your prompt attention to these important legislative changes.

Respectfully,

A handwritten signature in black ink, appearing to read "Joe A. Garcia", written over a circular stamp or seal.

Joe A. Garcia  
Executive Director  
Manufactured Housing Division