



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
March 20, 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**

March 20, 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

March 20, 2009 10:00 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 possible action to approve the minutes of the board meeting on January 23, 2009. | Chair |
| Item 2. | Presentation, discussion and action concerning Administrative Order to Withdraw Approval relating to Foundation Works, Inc.'s permanent foundation system. | Amy Morehouse |
| Item 3. | Presentation, discussion and action concerning the State Office of Administrative Hearings (SOAH) Proposal for Decision: In the Matter of the Complaint of TDHCA vs. Brian Wilson, Salesperson License No. MHSLSP00026135, Docket Number: 332-09-0739. | Amy Morehouse |
| Item 4. | Presentation, discussion and action concerning the SOAH Proposal for Decision: In the Matter of the Complaint of TDHCA vs. James Flanigan d/b/a Trade Homes, Docket Number: 332-09-0157. | Amy Morehouse |

The Board may go into executive session for consultation with attorney on the above orders pursuant to Sec. 551.071, Texas Government Code.

- | | | |
|---------|--|------------|
| Item 5. | Consideration and possible action to approve proposed amendments 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 |
| o MH Functional Areas Status | | |
| o Featured Employees | | |
| o Legislative Updates | | |

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, January 23, 2009, at 10:05 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. Pablo Schneider, Sheila Vallés-Pankratz, and Donnie Wisenbaker, constituting a quorum, attended. Devora Mitchell was absent. The following Manufactured Housing Division (the "MHD") staff were present: Joe Garcia, Kassu Asfaw, Amy Morehouse, Cindy Bocz, Jim Hicks, Margaret Flores, Jennifer Dillard, and Sharon Choate. From the Texas Department of Housing and Community Affairs (other than the MHD) Elena Peinado was 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 November 7, 2008. Upon motion of Donnie Wisenbaker, duly seconded by Sheila Vallés-Pankratz, the minutes of the previous meeting were unanimously approved.

Joe Garcia presented and discussed for approval the adoption of emergency rules relating to 10 Texas Administrative Code, Chapter 80, §§80.2, 80.21 and 80.22 in order to comply with the Federal Installation Standards. The Board recommended amending §80.21(a) to add that the homes shall be installed by a licensed installer. Upon motion of Pablo Schneider, duly seconded by Sheila Vallés-Pankratz, the emergency rules with an amendment were unanimously approved.

Joe Garcia delivered the Executive Director's Report.

The Board did not convene into an Executive Session.

The next board meeting was tentatively set for Friday, March 20, 2009, at 10:00 a.m.

There being no further business to come before the board, the meeting was adjourned at 11:11 a.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair



MANUFACTURED HOUSING DIVISION

Rick Perry
GOVERNOR

Joe Garcia
EXECUTIVE DIRECTOR

Board Members
Presiding Officer, Michael H. Bray
Devora D. Mitchell
Pablo Schneider
Sheila M. Valles-Pankratz
Donnie W. Wisenbaker

Administrative Order to Withdraw Approval

TO: All Manufactured Housing License Holders and
Foundation Works, Inc.

FROM: Board of Directors
Manufactured Housing Division

SUBJECT: Notice of Withdrawal of Approval of the Foundation Works, Inc. Permanent Foundation System

DATE: March 20, 2009

In accordance with Title 10, Section 80.26(i) of the Texas Administrative Code, this hereby constitutes official notice of withdrawal of approval of the Foundation Works, Inc. Permanent Foundation System by the Texas Department of Housing and Community Affairs, Manufactured Housing Division (Department).

The Foundation Works, Inc.'s permanent foundation system was approved by the Department in November of 2005. It entailed a permanent foundation system with primary support columns and perimeter surround wall for manufactured homes. Foundation Works, Inc. has stopped production of this approved foundation system and on February 20, 2009, T.R. Arnold & Associates, Inc. withdrew their certification of the Foundation Works foundation system. Title 10, Section 80.26(h)(1) of the Texas Administrative Code states that when the engineer, architect, or independent testing laboratory withdraws the certification the board may issue an administrative order to withdraw approval of the registration of the foundation system, and the board hereby exercises that authority.

In accordance with Title 10, Section 80.26(a) of the Texas Administrative Code, the components used in the Foundation Works, Inc.'s permanent foundation system may still be used for manufactured home installations as specified by the home manufacturer's DAPIA approved installation instructions or as specified for one or more homes in a particular area by a Texas licensed engineer or architect.

Respectfully,

Michael Bray
Chair of the Board of Directors
Manufactured Housing Division

CC: MHD field offices
Units of local government contracted with the Department for installation inspections

Executed and approved by:

Michael Bray,
Chair of the Board of Directors

Devora D. Mitchell, Member

Pablo Schneider, Member

Sheila M. Valles-Pankratz, Member

Donnie W. Wisenbaker, Member



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MANUFACTURED HOUSING DIVISION

Rick Perry
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

Board Members

Presiding Officer, Michael H. Bray
Devora Denise Mitchell
Donnie W. Wisenbaker
Pablo Schneider
Sheila M. Valles-Pankratz

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

FROM: Amy Morehouse, Director of Enforcement

THROUGH: Joe A. Garcia, Executive Director

SUBJECT: Summary of Proposal for Decision regarding denial of Brian Wilson's Salesperson's License

Respondent: Brian Wilson
License type/number: Salesperson's License / MHSLSP00026135
Docket Number: 332-09-0739
Complaint Number: MHD2008000582-LRV

Background

On February 24, 2000, the Texas Department of Housing and Community Affairs, Manufactured Housing Division (TDHCA or Department) issued a Salesperson's License, (License No. MHSLSP00026135) to Brian Wilson (Respondent).

On May 30, 2006, in Cause No. 1-85,277, respondent was found guilty of the offense of the lesser but included offense of issuance of a bad check, Class C misdemeanor, in the County Court-at Law No. 1 in Victoria County, Texas, and fined \$100.00.

On June 14, 2006, in Cause No. 20,711, Respondent was found guilty of the offense of theft service in the County Court of Jackson County, Texas, and was ordered to pay a total of \$125.00 in restitution, a fine, court costs, and fees.

On February 2, 2007, Respondent submitted a Salesperson's Application for License Renewal (first application). On the first application, Respondent falsely answered "no" to the following question: Have you ever 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 12 months?

The Department renewed Respondent's Salesperson's License for 2007. On February 13, 2008, Respondent submitted a second Salesperson's Application for License Renewal (second application). On May 5, 2008, the Department denied Respondent's second application on the basis that Respondent provided false information on his first application, and also that he had been convicted of crimes that rendered him unfit for licensure.

Crimes involving the mishandling of money are crimes of concern which are directly related to the activity of selling manufactured homes because manufactured home salespersons may handle consumer funds and have an opportunity to mishandle those funds.

Violations

It was found and determined by the staff of the Manufactured Housing Division that Respondent had committed the following violations of the Act and the Rules:

1. Brian Wilson violated TEX. OCC. CODE ANN. § 1201.551(a)(7) by providing false information on an application, report, or other document filed with the Department.
2. Brian Wilson violated TEX. OCC. CODE ANN. § 1201.551(a)(8) by acquiring a criminal record during the five-year period preceding the application date that makes the respondent unfit for licensure.

Hearing before the State Office of Administrative Hearings

After proper notice, an administrative hearing was held on December 4, 2008. An Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH) issued the attached Proposal for Decision (PFD) as a result of that hearing. One technical error was made in the PFD and exceptions were filed by the Department on February 10, 2009. The Administrative Law Judge agreed with the correction. The Department staff is in agreement with the Findings of Fact and Conclusions of law in this PFD with the correction.

Proposal for Decision

The Proposal for Decision dated February 2, 2009, recommends that the Department deny Respondent's application for renewal of a manufactured housing Salesperson's License.

Recommendation

It is recommended that the Board approve the following administrative action with respect to the Respondent, as supported by the record and the PFD. Respondent's application for renewal of his Salesperson's License should be denied.



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MANUFACTURED HOUSING DIVISION

Rick Perry
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

Board Members
Presiding Officer, Michael H. Bray
Devora Denise Mitchell
Donnie W. Wisenbaker
Pablo Schneider
Sheila M. Valles-Pankratz

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

FROM: Amy Morehouse, Director of Enforcement

THROUGH: Joe A. Garcia, Executive Director

SUBJECT: Summary of Proposal for Decision regarding violation of the Texas Occupations Code by James Flanigan d/b/a Trade Homes

Respondent: James Flanigan, d/b/a Trade Homes
License type/number: Retailer/Broker/Installer-License No. RBI35420
Docket Number: 332-09-0157
Complaint Number: MHD2008000544-LRV

Background

On October 9, 2003, the Department issued a Retailer Broker Installer (RBI) License to Trade Homes, License No. RBI-35420, which remains in effect. James Flanigan (Respondent) is the owner of Trade Homes.

In March 2004, the Statement of Ownership and Location (SOL) on file with the Division showed that Troy A. Adams had owned a Cavalier manufactured home with HUD Label No. NTA0572459, Serial No., ALBUS25359(the Home), since February 3, 1999. Green tree financial Servicing Corp. (Green Tree) held a mortgage lien on the Home on January 23, 2004.

Respondent did not see or inspect the home before selling it to Ms. Salinas on March 5, 2004, on an "as is/where is" basis for \$8,500.00. He alleged that the home was salvaged. At the time of the sale, Respondent gave Ms. Salinas copies of the forms needed to file for a Statement of Ownership and Location (SOL), but the forms did not contain complete information on title. On March 26, 2004, Green Tree transferred the property to Respondent. Respondent did not himself file the SOL within 60 days of the sale or provide updated title documents to Ms. Salinas after the transfer of the Home from Green Tree to him.

Whether the Home was habitable on March 5, 2004, within the definition of habitability enforced by the Division is unknown, although the Home was in disrepair. In March 2004, at the time of the

sale, Respondent failed to provide Ms. Salinas with a disclosure of the condition of the Home and a warranty of habitability.

In March 2004, there was a \$1170.54 personal property tax delinquency on the Home, arising from assessments made by the Brazoria County Tax Office for tax years 2001 through 2004. The liens for personal property tax in Brazoria County due on the Home for tax years 2001 through 2004 attached and were perfected on January 1 of each year.

In January 2006, Ms. Salinas filed a consumer complaint with the Division, alleging that Respondent failed to give her good and marketable title to the Home and requesting Respondent be required to pay back-due personal property taxes on the Home.

Violations

The Administrative Law Judge found that the Respondent had committed the following violations of the Act and the Rules:

1. In March 2004, Respondent violated TEX. OCC. CODE ANN. § 1201.451 by attempting to sell, exchange, or lease purchase a used manufactured home without transferring a good and marketable title.
2. In March 2004, Respondent violated TEX. OCC. CODE ANN. § 1201.455 by failing to give the purchaser of a used manufactured home a written disclosure describing the condition of the home and any appliances and a written warranty of habitability.

Hearing before the State Office of Administrative Hearings

After proper notice, an administrative hearing was held on November 4, 2008. An Administrative Law Judge (ALJ) at the State Office of Administrative Hearings (SOAH) issued the attached Proposal for Decision (PFD) as a result of that hearing. The Department disagreed with a portion of the PFD and exceptions were filed by the Department on January 20, 2009.

Mainly the Department had requested restitution to be paid to the Tax Assessor in order to allow the consumer to receive a good and marketable title. The Administrative Law Judge did not agree with the exceptions and does not feel that the Department had the authority to request restitution. The Department staff will accept the ALJ's position for that time period, but a misapplication of law remains in the PFD and the Department would recommend that amendments be made to Finding of Fact 18, and Conclusion of Law 1 and 6. Based on these corrections the Department will pursue remedy for the consumer through the Homeowner's Recovery Trust Fund as opposed to through restitution.

Proposal for Decision

The Proposal for Decision dated January 5, 2009, recommends that the Department issue a penalty in the amount of \$500.00 for the above listed violations.

Recommendation

It is recommended that the Board approve the following administrative order with the amendments made to the PFD for Finding of Fact 18 and Conclusions of Law 1 and 6. Respondent should be ordered to pay a \$500.00 penalty for violations of TEX. OCC. CODE ANN. § 1201.451 and § 1201.455.

Agenda Action Item No. 5

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 to amend 10 TAC, Chapter 80, §§80.2, 80.20, 80.21, 80.22, 80.25, 80.32, 80.33 and 80.100 relating to the regulation of the manufactured housing program. The rules are revised for clarification and to comply with requirements of the Federal Installation Standards that became effective on January 1, 2009.

Section 80.2(16) – Added definition for Frost Line Zone and renumbered definitions (17) through (26).

Section 80.20(b) - Removed subsection.

Section 80.20(e) – Removed subsection.

Section 80.21(a) – Added new subsection to reference installation of new homes.

Section 80.21(b) – Moved previous (a) to (b) and indicated that this section pertains to used homes.

Section 80.21(c) – Relettered (b) to (c).

Section 80.21(d) – Relettered (c) to (d).

Section 80.21(e) – Relettered (d) to (e) and revised section to differentiate site preparation responsibility for new and used homes.

Section 80.21(f) – Relettered (e) to (f).

Section 80.21(g) – Relettered (f) to (g).

Section 80.21(h) – Relettered (g) to (h) and revised section to differentiate drainage responsibility for new and used homes.

Section 80.21(i) – Added new subsection for Frost Line Zone.

Section 80.22(a) – Clarified that this section only pertains to used homes.

Section 80.25(i)(1) – Clarified that last sentence of paragraph only relates to used homes.

Section 80.32(g) – Clarified in last sentence of subsection that the installer of a new home is responsible for the required site preparation.

Section 80.33(k)(1) – Clarified that the site preparation notice is only for used homes.

Section 80.33(k)(3) – Referenced §1201.255 of the Standards Act as requirement to promulgate disclosure form.

Section 80.100(a)(12) – Revised name of form to clarify it is for used homes.

Section 80.100(a)(33) – Revised name of form to clarify it is for used homes.

Section 80.100(a)(45) and (46) - Added new form number (45) and (46)to the list of forms.

Figure: 10 TAC §80.100(b)(8) – Revised the site preparation section in the Consumer Disclosure Statement.

Figure: 10 TAC §80.100(b)(10) – Updated the Retail Monitoring Checklist to include additional requirements and removed the Wind Zone Notice and Insulation Disclosure that are no longer required.

Figure: 10 TAC §80.100(b)(12) – Updated the form to clarify it only pertains to used homes.

Figure: 10 TAC §80.100(b)(16) – Updated to clarify installation requirements of new and used homes.

Figure: 10 TAC §80.100(b)(17) – Updated the Installation Checklist to clarify the reference to the site preparation notice is only for used homes.

Figure: 10 TAC §80.100(b)(33) – Updated to clarify the site preparation notice is only for used homes.

Figure: 10 TAC §80.100(b)(38) – Updated to clarify installation requirements of new and used homes.

Figure: 10 TAC §80.100(b)(45) - New Spanish version of the Consumer Disclosure Statement.

Figure: 10 TAC §80.100(b)(46) – New HUD required installation program disclosure.

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 an effect on small or micro-businesses because of the proposed amendments relating to installing homes in the Frost Line Zone, 10 TAC, §80.21(i). The costs of a singlewide home installed in the Frost Line Zone will increase approximately \$900 and a doublewide home will increase approximately \$1,400. This increase applies only to the 42 counties designated in the Frost Line Zone. There will be approximately 439 homes installed annually in the Frost Line Zone. We anticipate that the cost will be passed on to the consumer.

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 Federal Installation Standards.

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 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 amendments 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.

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

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

§80.2. Definitions.

Terms used herein that are defined in the Code and the Standards Act have the meanings ascribed to them therein. The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) APA--Administrative Procedure Act, Texas Government Code, Chapter 2001.
- (2) Business days--Includes every day on the calendar except Saturday, Sunday, and federal and state holidays.
- (3) Chattel Mortgage--Any loan that is not subject to the Real Estate Settlement Procedures Act (RESPA).
- (4) Coastline--The shoreline that forms the boundary between the land and the Gulf of Mexico or a bay or estuary connecting to the Gulf of Mexico that is more than five miles wide.
- (5) Cosmetic--Matters of flaws and finish, appearance, materials or workmanship not covered by 24 CFR Part 3280.
- (6) Credit document--Any executed written agreements between the consumer and creditor that describe or are required in connection with an actual credit transaction.
- (7) Creditor--A person involved in a credit transaction who:
 - (A) extends or arranges the extension of credit; or
 - (B) is a retailer or broker as defined in the Standards Act and participates in arranging for the extension of credit.
- (8) Custom designed stabilization system--An anchoring and support system that is not an approved method as prescribed by the state generic standards, manufacturer's installation instructions, or other systems pre-approved by the Department.
- (9) Dangerous conditions--Any condition which, if present, would constitute an imminent threat to health or safety.

- (10) DAPIA--The Design Approval Primary Inspection Agency.
- (11) Department or TDHCA--The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (TDHCA).
- (12) Deposits - Money or other consideration given by a consumer to a retailer, salesperson, or agent of a retailer to hold a manufactured home in inventory for subsequent purchase or to confirm the agreed price on a home to be specially ordered.
- (13) Down Payment - An amount, including the value of any property used as a trade-in, paid to a retailer to be applied to the purchase price of a manufactured home, including any goods or services that are a part of that transaction.
- (14) Dwelling unit--One or more habitable rooms which are designed to be occupied for living.
- (15) FMHCSS--Federal Manufactured Home Construction and Safety Standards that implement the National Manufactured Home Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended from time to time.
- (16) Frost Line Zone -- An area in Texas designated by the Department, as having a frost line depth to consider when conforming with federal rules.**
- (17)**~~(16)~~ Independent testing laboratory--An agency or firm that tests products for conformance to standards and employs at least one engineer or architect licensed in at least one state.
- (18)**~~(17)~~ Inventory Lender--A person that is involved in extending credit for inventory financing secured by manufactured housing.
- (19)**~~(18)~~ IPIA--The Production Inspection Primary Inspection Agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and/or provides ongoing surveillance of the manufacturing process.
- (20)**~~(19)~~ Long-Term Lease--For the purpose of determining whether or not the owner of a manufactured home may elect to treat the home as real property, is a lease on land to which the manufactured home has been attached and which:
 - (A) has been approved by each lienholder for the manufactured home by placing on file with the Department written consent to have the home treated as real property; or
 - (B) is for at least five years if the home is not financed.

- (21)~~(20)~~ Main frame--A chassis or structure serving a similar purpose.
- (22)~~(21)~~ Manufactured home identification numbers--HUD label number, serial number, or Texas seal number. For the purpose of maintaining ownership and location records, including the perfection of liens, the numbers shall include the HUD label number(s) and the serial number(s) imprinted or stamped on the home in accordance with HUD departmental regulations. For homes manufactured prior to June 15, 1976, the Texas seal number, as issued by the Department, shall be used instead of the HUD label number. If a home manufactured prior to June 15, 1976, does not have a Texas seal, or if a home manufactured after June 15, 1976, does not have a HUD label, a Texas seal shall be purchased from the Department and attached to the home in upper left corner on the end opposite the tongue end and used for identification in lieu of the HUD label number.
- (23)~~(22)~~ Manufactured home site--That area of a lot or tract of land on which a manufactured home is or will be installed.
- (24)~~(23)~~ Permanent foundation--A foundation which meets the requirements of §80.21 of this chapter (relating to Requirements for the Installation of Manufactured Homes) and was constructed according to drawings, as required by that section, which state that the foundation is a permanent foundation for a manufactured home.
- (25)~~(24)~~ Promptly--Means within the time prescribed by the Standards Act, these Rules, and any administrative order (including any properly granted extension) or, in the case of a matter that constitutes an imminent threat to health or safety, as quickly as reasonably possible.
- (26)~~(25)~~ Stabilization systems--A combination of the anchoring and support system. It includes, but is not limited to the following components:
- (A) Anchoring components--Any component which is attached to the manufactured home and is designed to resist the horizontal and vertical forces imposed on the manufactured home as a result of wind loading. These components include, but are not limited to auger anchors, rock anchors, slab anchors, ground anchors, stabilizing devices, connection bolts, j-hooks, buckles, and split bolts.
 - (B) Anchoring equipment--Straps, cables, turnbuckles, tubes, and chains, including tensioning devices, which are used with ties to secure a manufactured home to anchoring components or other devices.
 - (C) Anchoring systems--Combination of ties, anchoring components, and anchoring equipment that will resist overturning and lateral movement of the manufactured home from wind forces.

- (D) Diagonal tie--A tie intended to primarily resist horizontal forces, but which may also be used to resist vertical forces.
- (E) Footing--That portion of the support system that transmits loads directly to the soil.
- (F) Ground anchor--Any device at the manufactured home site designed to transfer manufactured home anchoring loads to the ground.
- (G) Longitudinal ties--Designed to prevent lateral movement along the length of the home.
- (H) Shim--A wedge-shaped piece of hardwood or other registered component not to exceed one (1) inch vertical (actual) height.
- (I) Stabilizing components--All components of the anchoring and support system such as piers, footings, ties, anchoring equipment, ground anchors and any other equipment, which supports the manufactured home and secures it to the ground.
- (J) Support system--A combination of footings, piers, caps and shims that support the manufactured home.
- (K) Vertical tie--A tie intended primarily to resist the uplifting and overturning forces.

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

§80.20. Requirements for Manufacturer's Designs and Installation Instructions.

- (a) With each new home, the manufacturer shall provide printed instructions which at a minimum must:
 - (1) specify the location, orientation and required capacity of stabilizing components on which the design is based;
 - (2) be filed with the Department;
 - (3) be approved by the manufacturer's DAPIA; and
 - (4) contain DAPIA approval stamps, engineer or architect approval stamps, and the installation manual effective date on each page of the installation instructions or on the cover pages of bound installation manuals, unless an equivalent method of authentication is used for electronically filed documents.

~~[(b) — If a manufacturer determines that one or more of its homes requires a deviation from the generic standards to protect the structural integrity of the home, the manufacturer must include instructions for the necessary deviation in the manufacturer's DAPIA-approved installation instructions and provide a list of all homes affected. The manufacturer must provide a copy to the Department along with a letter informing the Department of the required deviation included in the instructions and giving the Department permission to reproduce and release copies of such instructions upon request. On the Department's website, the Department will maintain a current list of all required deviations from generic standards and will provide a copy to anyone who requests it.]~~

~~[(b)]~~~~[(e)]~~ At least thirty (30) calendar days prior to the effective date of any change, modification, or update to the manufacturer's installation instructions or any appendix, the manufacturer shall file such change, modification, or update with the Department and mail a copy(s) to all the manufacturer's retailers. Links to appendix are posted on the Department's website.

~~[(c)]~~~~[(d)]~~ The manufacturer shall file with the Department additional copies of manufacturer's installation instructions for each model in the number specified by the Department. If no number is specified, one copy of each such set of instructions will suffice.

~~[(e) — If the Department finds that the manufacturer's instructions do not address all matters necessary to enable the Department to inspect an installation, the Department will advise the manufacturer that the State Generic Instructions will be used for matters not addressed and request that the manufacturer amend its DAPIA-approved instructions within thirty days (30) of notification. The Executive Director may grant a limited number of extensions as needed.]~~

§80.21. Requirements for the Installation of Manufactured Homes.

(a) All new manufactured homes shall be installed by a licensed installer and in accordance with the home manufacturer's DAPIA-approved installation instructions.

~~[(b)]~~~~[(a)]~~ All used~~[When they are installed, all]~~ manufactured homes shall be installed by a licensed installer to resist overturning and lateral movement of the home, and the installation must be completed in accordance with instructions appropriate for the Wind Zone where the home is to be installed as per one of the following:

- (1) the home manufacturer's DAPIA-approved installation instructions;
- (2) the state's generic standards set forth in §§80.22, 80.23, 80.24, and 80.25 of this chapter;

- (3) the instructions for a stabilization system registered with the Department in accordance with §80.26 of this chapter (relating to Registration of Stabilizing Components and Systems); or
- (4) the instructions for a special stabilization system which:
 - (A) may or may not be a permanent foundation;
 - (B) is for a particular manufactured home or an identified class of manufactured homes to be installed at a particular area with similar soil properties according to county soil survey or other geotechnical reports; and
 - (C) is either:
 - (i) a pre-existing foundation for which a professional engineer or architect licensed in Texas has issued written approval for the installation of a particular home, and the written approval shall be submitted to the Department with the installation report; or
 - (ii) installed in accordance with a custom designed stabilization system drawing that is stamped by a Texas licensed professional engineer or architect. A copy of the stabilization system drawing must be forwarded to the Department along with the installation report.

(c)~~(b)~~ When a home is installed on a stabilization system registered with the Department or a special stabilization system, the installer must follow the home manufacturer's DAPIA-approved installation instructions for any aspect of the installation that is not covered by the system's installation instructions or drawings.

(d)~~(e)~~ The installer must use stabilizing components that have the required capacity and install them according to the anchor or stabilizing component manufacturer's current installation instructions. All stabilizing components must be resistant to all effects of weathering including that encountered along the Texas gulf coast. Anchors must be made resistant to corrosion. Nonconcrete stabilizing components and systems for use within 1500 feet of the coastline shall be specifically certified for this use. Preservative treated (PT) wood components shall conform to the applicable standards issued by the American Wood Preserver's Association and referenced by the latest edition of the International Residential Code. The use of re-conditioned equipment (i.e. anchor, strap, and clip) or any anchoring component by licensed installer on the new installations is not permitted. Homeowners are exempt from this requirement provided the integrity of the component is acceptable and approved by the state and the original product number, vendor name, and/or patent number must be legible on the product.

(e)~~(d)~~ Site Preparation Responsibilities and Requirements:

- (1) The responsible installer of a new manufactured home is responsible for the proper preparation of the site where the manufactured home will be installed.**
- (2)**~~(1)~~ A consumer acquiring a **used** manufactured home to be installed~~[, new or used,]~~ is responsible for the proper preparation of the site where the manufactured home will be installed except as set forth in §80.22 of this chapter (relating to Generic Standards for Moisture and Ground Vapor Controls).
- (3)**~~(2)~~ Whenever a licensed retailer intends to sell a **used** manufactured home, regardless of where it is located or is to be located, the retailer is required to give the consumer the Site Preparation Notice, for signature by the consumer, in the form set forth in Subchapter I of this chapter (relating to Forms) PRIOR to the execution of any binding sales agreement.
- (4)**~~(3)~~ Whenever a licensed installer proposes to move a used manufactured home, the installer is required to give the consumer the Site Preparation Notice, for signature by the consumer, in the form set forth in Subchapter I of this chapter PRIOR to entering into a binding agreement to move that home.
- (f)**~~(e)~~ If at the time of installation or within 90 days thereafter as stated on the contract, the retailer or installer provides the materials for skirting or contracts for the installation of skirting, the retailer or installer is responsible for installing any required moisture and ground vapor control measures in accordance with the home installation instructions, specifications of a registered stabilization system, or the generic standards and shall provide for the proper cross ventilation of the crawl space. If the consumer contracts with a person other than the retailer or installer for the skirting, the consumer is responsible for installing the moisture and ground vapor control measures and for providing for the proper cross ventilation of the crawl space.
- (g)**~~(f)~~ Clearance: If the manufactured home is installed according to the state's generic standards, a minimum clearance of 18 inches between the ground and the bottom of the floor joists must be maintained. In addition, the installer shall be responsible for installing the home with sufficient clearance between the I-Beams and the ground so that after the crossover duct prescribed by the manufacturer is properly installed it will not be in contact with the ground. Refer to §80.25 of this chapter (relating to Generic Standards for Multi-Section Connections Standards) for additional requirements for utility connections. The Installer must remove all debris, sod, tree stumps and other organic materials from all areas where footings are to be located.
- (h)**~~(g)~~ Drainage: **The Installer is responsible for proper site drainage where a new manufactured home is to be installed unless the home is installed in a rental community.** The consumer is responsible for proper site drainage where **used** ~~the~~ manufactured home ~~[(new or used)]~~ is to be installed unless the home is

installed in a rental community. Drainage prevents water build-up under the home. Water build-up may cause shifting or settling of the foundation, dampness in the home, damage to siding and bottom board, buckling of walls and floors, delamination of floor decking and problems with the operation of windows and doors.

(i) Frost Line Zone.

(1) The following Texas counties have a 12 inch frost line depth to consider for the installation of a new manufactured home: Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Foard, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Hemphill, Hockley, Hutchinson, King, Knox, Lamb, Lipscomb, Lubbock, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Wheeler, and Wilbarger.

(2) For a new home to be installed in a Frost Line Zone county, footings placed in freezing climates must be designed using methods and practices that prevent the effects of frost heave by one of the following methods:

(A) Conventional footings. Conventional footings must be placed below the frost line depth for the site unless an insulated foundation or monolithic slab is used (refer to 24 CFR 3285.312(b)(2) and 24 CFR 3285.312(b)(3)).

(B) This is not subject to the provisions in 24 CFR 3285.2(c) that also require review by the manufacturer and approval by its DAPIA for any variations to the manufacturer's installation instructions for support and anchoring.

(C) Monolithic slab systems. A monolithic slab is permitted above the frost line when all relevant site-specific conditions, including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered and anchorage requirements are accommodated as set out in 24 CFR 3285.401. The monolithic slab system must be designed by a registered professional engineer or registered architect:

(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 as defined in 24 CFR 3285.4.

(D) Insulated foundations. An insulated foundation is permitted above the frost line, when all relevant site-specific conditions,

including soil characteristics, site preparation, ventilation, and insulative properties of the under floor enclosure, are considered, and the foundation is designed by a registered professional engineer or registered architect:

(i) In accordance with acceptable engineering practice to prevent the effects of frost heave; or

(ii) In accordance with SEI/ASCE 32-01 as defined in 24 CFR 3285.4.

§80.22. Generic Standards for Moisture and Ground Vapor Controls.

- (a) If the **used** manufactured home is installed according to the state's generic standards and the space under the home is to be enclosed with skirting and/or other materials provided by the retailer and/or installer, the enclosure must meet the following requirements:
- (1) At least one access opening that does not require the use of tools to gain access shall not be less than 18 inches in any dimension and not less than three square feet in area shall be provided by the installer. The access opening shall be located so as to enable, to the extent reasonably possible, the visual inspection of water supply and sewer drain connections.
 - (2) If a clothes dryer exhaust duct, air conditioning condensation drain, or combustion air inlet is present, the installer must pass it through the skirting to the outside. All air conditioning condensation lines must be installed in such manner that prevents ponding within 5 feet of the foundation.
 - (3) Crawl space ventilation must be provided at the rate of minimum 1 square foot of net free area, for every 150 square feet of floor area.
 - (4) At least six openings shall be provided, one at each end of the home and two on each side of the home. There must be a ventilation within 3 feet of each corner. The openings shall be screened or otherwise covered to prevent entrance of rodents (note: screening will reduce net free area). For example, a 16'x76' single section home has 1216 square feet of floor area. This 1216 square feet divided by 150 equals 8.1 square feet or 1166 square inches of net free area crawl space ventilation.
- (b) The generic ground vapor control measure shall consist of a ground vapor retarder that is minimum 6 mil polyethylene sheeting or its equivalent, installed so that the area under the home is covered with sheeting and overlapped approximately 12 inches at all joints. Any tear larger than 18 inches long or wide must be taped using a material appropriate for the sheeting used. The laps should be weighted down to prevent movement. Any small tears and/or voids around construction (footings, anchor heads, etc.) are acceptable.

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

(a) – (h) (No change.)

(i) Drain, Waste and Vent System (DWV):

(1) Portions of the DWV system which are below the floor may not have been installed, to prevent damage to the piping during transport. Typically, the DWV layout is designed to terminate at a single connection point to connect to the on-site sewer system. For a used ~~[new]~~ home where on-site DWV connections are not assembled per the manufacturer's instructions, the DWV system must be assembled in accordance with Part 3280 of the FMHCSS.

(2) The following guidelines apply:

(A) All portions of the DWV system shall be installed to provide a minimum of 1/8 inch slope per foot for a 3 inch diameter pipe or larger, in the direction of the flow. For all other pipe, a minimum of 1/4 inch is required.

(B) Changes in direction from vertical to horizontal, and horizontal to horizontal, shall be made using long sweep elbows and/or tees.

(C) All drain piping shall be supported at intervals not to exceed 4 feet on-center. The support may be either blocking or strapping. When strapping is used, it should be nonabrasive.

(D) Piping must be assembled with the appropriate cleaners, primers and solvents (note: both ABS and PVC systems are common, but will require adhesives). Be sure to follow the instructions of the product used.

(E) A cleanout must be installed at the upper (most remote) end of the floor piping system.

(j) – (k) (No change.)

SUBCHAPTER C. LICENSEES' RESPONSIBILITIES AND REQUIREMENTS

§80.32. Retailers' Responsibilities and Requirements.

(a) – (f) (No change.)

(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.

(h) – (v) (No change.)

§80.33. *Installers’ Responsibilities and Requirements.*

(a) – (j) (No change.)

(k) Each installer shall maintain the following books and records for each installation:

- (1) verification that the required site preparation notice for a used home was signed by the consumer and timely delivered to a consumer by the licensee;
- (2) a copy of each installation warranty provided to a consumer with evidence that the warranty was timely delivered to the consumer;
- (3) if the 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 and §1201.255 of the Standards Act;
- (4) a list of the components used. If reconditioned components are used the identifying numbers must be legible;
- (5) if installed to manufacturer’s instructions, a copy of those instructions, as in effect at the time of installation (one copy on-site is sufficient; a separate copy does not need to be maintained for each installation);
- (6) if installed to engineer-approved plans (other than manufacturer’s instructions or state generic) a copy of the actual plans, showing the Texas engineer’s stamp;
- (7) a copy of any agreement with another party to obtain or provide some or all of the installation services; and
- (8) a list of all unlicensed individuals who provided installation services under the installer’s license, indicating each installation on which they worked.

(l) (No change.)

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) - (7) (No change.)
- (8) Consumer Disclosure Statement.
- (9) (No change.)
- (10) Retail Monitoring Checklist.
- (11) (No change.)
- (12) Notice and Informed Consent to the Installation of a Used Manufactured Home on an Improperly Prepared Site.
- (13) - (15) (No change.)
- (16) Notice of Installation (Form T).
- (17) Installation Checklist.
- (18) - (32) (No change.)
- (33) Site Preparation Notice for Used Homes Form.
- (34) – (37) (No change.)
- (38) Probationary Notice of Installation (Form T).
- (39) - (44) (No change.)
- (45) Consumer Disclosure Statement (Spanish Version).
- (46) HUD Required Installation Program Disclosure to Consumer.

(b) Forms.

- (1) – (7) (No change.)
- (8) Consumer Disclosure Statement.

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

MAKING AN INFORMED DECISION ABOUT BUYING A MANUFACTURED HOME

IF YOU HAVE QUESTIONS CALL 1-800-500-7074

WWW.TDHCA.STATE.TX.US/MH

Ownership of ANY home brings many responsibilities. Buying a manufactured home involves many important and unique considerations. This disclosure is to assist you in recognizing and understanding many of those factors. Please read it carefully.

CHOOSING A MANUFACTURED HOME AS YOUR HOME: Manufactured homes come in a variety of sizes, styles, design features, amenities, and price ranges. All manufactured homes are built to federal standards established by the federal Department of Housing and Urban Development (HUD). Also, the federal government and the state of Texas requires manufacturers, retailers and installers to give certain warranties on manufactured homes. The type of warranties you receive will depend on whether you are purchasing a new or used manufactured home. You have the right to see the manufacturer's warranty and the retailer's warranty before entering into a binding agreement to purchase a manufactured home.

initials

CHOOSING A MANUFACTURED HOME RETAILER: The State of Texas licenses and oversees manufacturers, retailers, brokers, salespersons, rebuilders, and installers of manufactured homes. The agency responsible for this licensing and oversight is the Texas Department of Housing and Community Affairs, Manufactured Housing Division (the "Department"). Your properly licensed manufactured home retailer should display, or be willing to show you, its license in its sales office. **Dealing with licensed parties can provide important consumer protections.**

initials

DEPOSITS: You may be required by a manufactured home retailer to place a deposit on a home, regardless of whether the home is on the retailer's sales lot, is being sold at another location, or will be ordered from a factory. The amount of the deposit is determined between you and your retailer. The deposit becomes a down payment upon execution of a binding written purchase agreement. You have the right to demand a refund of the deposit or down payment, and receive that refund within 15 days thereafter, if you timely and properly rescind the purchase agreement.

initials

FINANCING OPTIONS: A manufactured home in Texas has tremendous flexibility when it comes to financing because it can be financed as personal property (typically a consumer loan secured by the home only) or, if you own the land the home is on (or have a qualifying long term lease on the land) as real property (typically a mortgage loan secured by the home and the land). You should talk to possible lenders about the terms they can offer. If you think one lender is offering too high a rate, talk to another lender.

Consumer lenders must generally be registered with the Office of the Consumer Credit Commissioner. Mortgage loans are usually originated by mortgage brokers (licensed with the Savings and Mortgage Lending Department), mortgage bankers (registered with the Savings and Mortgage Lending Department), or financial institutions (regulated by state and/or federal regulators, depending on the type of financial institution).

**WHEN YOU MAKE A DECISION ABOUT BUYING A
MANUFACTURED HOME, PLAN FOR FLEXIBILITY AND CHANGE.**

YOUR LOAN WILL BE A **MAJOR** FACTOR IN DETERMINING YOUR PAYMENTS, BUT THERE ARE OTHER IMPORTANT FACTORS YOU SHOULD ALSO THINK ABOUT, SUCH AS:

- Adjustable rate loans – If rates go up, your loan payments will go up.
- Property taxes – Changes in property valuation and changes in tax rate can result in changes in your payments.
- Insurance – If premiums increase, your payments will go up.
- Lot rent – If you are renting the lot your home is on, your rent may be subject to increase.

initials

LOCAL RESTRICTIONS AND REQUIREMENTS (ZONING): Depending on where a home is to be located it may be subject to special local requirements, including zoning and deed restrictions. These local requirements may affect where the home can be placed and may also involve other related requirements (and expenses) such as size requirements, construction requirements. Contact the local municipality, county, and subdivision manager to find out what, if any, requirements of this sort may apply to any site where you are going to place a manufactured home.

initials

SITE PREPARATION: The installer is responsible for proper preparation of the site where a new manufactured home is to be installed. A consumer is responsible for proper preparation of the site where a used manufactured home is to be installed. If you do not think you can prepare your site properly, consider hiring someone else with the right experience and equipment to do it for you. Proper site preparation includes a site for placement of the home that has good drainage so that water will not collect or run under or around the home; and firm compacted soil with no stumps, debris, or other matter. The site that is selected and prepared also needs to meet any setback or other placement requirements and have access to any required water, septic system, and utilities.

PROPER SITE PREPARATION IS ESSENTIAL!

initials

INSTALLATION: If you are purchasing a NEW manufactured home. Installation must be included. If you are purchasing a USED manufactured home, installation may or may not be included. If installation is not included and you arrange for it yourself, remember, ONLY A LICENSED INSTALLER may install a manufactured home. The installer who actually installs the home must also provide a warranty.

**PROPER INSTALLATION BY A LICENSED INSTALLER IS
REQUIRED BY LAW IN ORDER FOR A HOME TO BE OCCUPIED.**

If you are buying a home that has already been installed, you should ask the selling retailer if they will check the leveling, check for the presence (if required) and condition of any vapor retarder, check anything else regarding the foundation/stabilization system, or provide any other installation-related services.

If you acquire a used manufactured home that is already installed in a Wind Zone II county but the home is a Wind Zone I home, which means that home was not designed or constructed to withstand a hurricane force wind occurring in a Wind Zone II or III area, the home cannot be installed in a Wind Zone II area unless it was constructed before September 1, 1997.

initials

UPKEEP AND MAINTENANCE: ANY home requires regular upkeep and maintenance – things like periodic checking of and repairs to the roof, keeping vents and filters clear, maintaining septic systems and wells in safe and sanitary working order, caulking to prevent leaks, and periodic painting. Also, depending on the foundation system you choose, a manufactured home may require periodic checking to be sure that it is still level and that the anchors and straps are secure.

initials

FOUNDATION MAINTENANCE: You must accept all responsibility for maintenance of the site upon closing. These responsibilities include: maintaining good drainage around the home, preventing soil erosion, periodic inspections of foundation supports and anchorage, and any leveling or adjustment that may be required unless contractually agreed otherwise. Homes located in areas that have soils with high clay content that expands and contracts must maintain consistent moisture levels. This may include watering around the foundation during dry summer months and managing the size and proximity of the vegetation near the foundation.

initials

LOT RENT: If you rent the lot your home is on, in addition to the possibility of rent increases, it is possible that the property owner could decide to change the use of the land and not renew your lease. Although you would be given advance notice, this would mean that you would have to move your home and have it installed somewhere else.

initials

WATER AND UTILITIES: Be sure that your lot has access to water. If you must drill a well, consider contacting several drillers for bids. If water is available through a municipality, utility district, water district, or cooperative, you should inquire about the rates you will have to pay and the costs necessary to join the water system. Be sure that any utilities you will need are available at your site and, if they are not, find out what will be involved in getting them delivered and connected.

initials

SEWER CONNECTIONS OR SEPTIC SYSTEMS: If your lot is not serviced by a municipal sewer system or utility district, you will have to install an on-site sewer facility (commonly known as a septic system). There are a number of concerns or restrictions that will determine if your lot is adequate to support a septic system. Check with the local county or a licensed private installer to determine the requirements that apply to your lot and the cost to install such a system.

initials

HOMEOWNERS ASSOCIATIONS AND FEES: Many subdivisions have mandatory assessments and fees that lot owners must pay. Check with the manager of the subdivision in which your lot is located to determine if any fees apply to your lot.

_____ *initials*

PROPERTY TAXES: Manufactured homes are appraised and subject to property taxes. Depending on the type of loan you have, your lender may escrow for these taxes, and this will increase your monthly payments. Whether you select personal property or real property status for your home may impact any homestead exemption that you may obtain to reduce your tax liability. Talk with the county tax office if you have any questions. Failing to pay your taxes or make arrangements with the tax assessor-collector may place you at risk of having tax liens recorded on your home and, possibly, having the home foreclosed for non-payment of taxes. If you do not have a lender that escrows for the taxes, the tax assessor-collector will work out an escrow arrangement with you if requested.

_____ *initials*

INSURANCE: Your lender will almost certainly require you to obtain insurance. You should request quotes from the agent of your choice to obtain the insurance. Even if you do not have a lender, it is a good idea to obtain insurance to protect your home and yourself.

_____ *initials*

THE TEXAS MANUFACTURED HOMEOWNERS' RECOVERY TRUST FUND (the "FUND"): The Fund is established by law to protect consumers who incur certain actual damages arising from specified violations of law involving acts or omissions of licensees. To learn more about the Fund you can check the Department's website at: www.tdhca.state.tx.us/mh or call the Department for a printed description of the Fund and how it works. Claims on the Fund must be verified and must be made within two years from the date of the act or omission or when it was discovered or reasonably should have been discovered.

_____ *initials*

RIGHT OF RESCISSION: Once you enter into a contract with a selling retailer to acquire a manufactured home, you have a right to rescind the contract. You may, not later than the third day after the applicable contract is signed, rescind the contract without penalty or charge. The right to rescind may be modified or waived only if you have a *bona fide* emergency. The Department has rules about the detailed requirements for waivers and modifications. If you grant someone other than the retailer a lien on the home you are buying, the right of rescission automatically goes away when the lien is recorded with the TDHCA.

initials

This **Six Page Disclosure** was provided to me/us by the retailer and/or lender shown below on this date. It was provided to me/us before I/we completed a credit application (if a financed transaction), or before I/we signed a contract to purchase, exchange, or lease-purchase a manufactured home.

DATE

RETAILER or LENDER

LICENSE NUMBER (if a retailer)

CUSTOMER signature

CUSTOMER signature

Customer printed name

Customer printed name

Date: _____

Date: _____

(9) (No change.)

(10) Retail Monitoring Checklist.

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

RETAIL MONITORING CHECKLIST

In accordance with Tex. Occ. Code Chapter 1201 (the "Standards Act") and Title 10 Texas Administrative Code, Subchapter C. of Chapter 80, for each manufactured home that is sold or transferred to one or more consumers by sale, exchange, or lease purchase, the retailer must maintain a file with this checklist on top and, as applicable, each of the following documents, executed and dated:

- All the loan documents were given at least 24 hours prior to execution of the loan documents. If the consumer(s) waived or modified the right to these advance copies, a copy of their written waiver.
- The disclosure required by Section 162 of the Standards Act.
- [Dispute Resolution Disclosure required by 24 CFR 3288.5 of the Manufactured Home Procedural and Enforcement Regulations.](#)
- [Installation Program Disclosure required by 24 CFR 3286.7 of the Manufactured Home Program.](#)
- [Disclosure to Consumer of Possible Need to Vacate Home if Financing does not close.](#)
- The Texas Retail Installment Contract and Security Agreement or other applicable sale agreement (not required for real estate transactions where the home being sold has ALREADY been converted to real property) and, if applicable, any financing agreement if financing was provided or arranged by the retailer.
- If the retailer was responsible for any disclosures under the Federal Truth in Lending Act, Federal Reserve Regulation Z, the Real Estate Settlement Procedures Act, or HUD Regulation X, copies of such disclosures.
- Broker Disclosure Statement.
- Cash Receipts to Support Down Payment.
- A complete list of all alterations with DAPIA Approval on file (if any).
- Notice of Air Conditioning Installation.
- The Formaldehyde Notice (Health Notice).
- ~~The Wind Zone Notice~~
- For Used Homes Only -- Warranty and Disclosure for a Used Manufactured Home.
- The Notice of Installation (Form T) (required on all new homes and, on used homes, if installation is provided).
- The Manufacturer's New Home Warranty was delivered to the Consumer (New Home Only).

- Documentation that any required Installation Warranty was delivered to the Consumer (New and Used Homes) and a copy of the warranty.
- The date that the Manufactured Home information card was mailed to the Manufacturer (New Home Only).
- For Used Homes Only** - Notice and Informed Consent to Installation on an Improperly Prepared Site (**if applicable**).
- Copies of the Application for Statement of Ownership and Location.
- Insulation Disclosure (for new home only)**.
- For Used Homes Only** - Site Preparation Notice.
- 3rd Party Instruction letter (if applicable).
- Information concerning inventory payoff (if applicable).
- Right of Rescission Waiver (if applicable).
- List of Unlicensed Installers Form (if applicable).

- (11) (No change.)
- (12) Notice and Informed Consent to the Installation of a Used Manufactured Home on an Improperly Prepared Site.

Texas Department of Housing and Community Affairs
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(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

NOTICE AND INFORMED CONSENT TO THE INSTALLATION OF A USED MANUFACTURED HOME ON AN IMPROPERLY PREPARED SITE

Consumer: _____

RE: Site Location

Before installing your used manufactured home on your site as requested, a visual inspection of the site was performed, and the following problems (as checked) were observed:

The site has evidence of ponding

Ponding is where water collects and does not drain properly. It can cause a variety of problems including, but not limited to, reducing the load bearing capacity of soil and allowing piers or other parts of the foundations system to sink; reducing the ability of anchors to hold the home firmly; and causing moisture build up under the home and possibly in the home.

The site has evidence of runoff under heavy rains

Runoff is where the slope of the home site and/or the land around the home site have slope and/or other conditions, such as gullies and ditches, in which rains trigger rapid build up of quickly flowing streams. Such rapidly flowing water may erode and/or damage the stabilization system for your home and possibly cause other damage.

The site has evidence of bare uncompacted soil

Bare uncompacted soil is subject to compression and rapid settlement when anything heavy, such as a manufactured home is placed on it. Because a manufactured home must be installed in accordance with the applicable instructions, a site with bare uncompacted soil may require a greater number of piers than was originally planned. It may also necessitate the use of other anchoring devices than were originally planned. These things may increase the cost of your installation. Even with such additional measures, bare uncompacted soil may lead to rapid settlement and other problems with your home.

If you elect to proceed with the installation of your home on this site without correcting these conditions, **you accept these risks** by signing this waiver notifying you of problems with the site location.

Executed this _____ day of _____, _____.

Signature

Signature

Name (print or type)

Name (print or type)

(13) – (15) (No change.)

(16) Notice of Installation (Form T).

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

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 - New - () No - 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 7th day after which the installation is completed. The Installation Report (Form T) should 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.

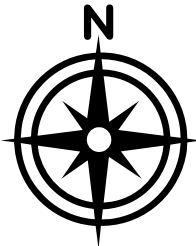
I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct. Executed this _____ day of _____, _____.

Signature (Retailer/Installer)

Name (print or type)

Department Use Only	
<input type="checkbox"/> Inspected Without Violations <input type="checkbox"/> Inspected With Violations <input type="checkbox"/> Not Inspected, Unit Skirted	<input type="checkbox"/> Not Inspected, Unable to Locate <input type="checkbox"/> Not Inspected, No Unit At Location <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.

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

INSTALLATION CHECKLIST

Home HUD label or Texas seal number: _____

Date of installation: _____

Wind Zone: _____

Humid/fringe status: _____

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?

- SITE PREPARATION (**FOR USED HOMES**)
- LOAD BEARING CAPACITY OF SOIL
- SPACING OF PIERS (IF APPLICABLE)
- SPACING OF ANCHORS (IF APPLICABLE)
- NUMBER OF DIAGONAL TIES (IF APPLICABLE)
- LIST OF EACH DEVICE USED
- VAPOR RETARDER REQUIRED?

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 A/C was provided, name and license number of A/C installer: _____

Copy of any required move permits.

(18) – (32) (No change.)

(33) Site Preparation Notice [for Used Homes](#) Form.

SITE PREPARATION NOTICE FOR USED HOMES

FAILURE TO PREPARE THE SITE PROPERLY BEFORE INSTALLING YOUR MANUFACTURED HOME MAY INVALIDATE YOUR WARRANTY AND MAY CAUSE PROBLEMS WITH YOUR HOME.

IF YOU ARE ACQUIRING LAND FOR A MANUFACTURED HOME AND WILL NOT HAVE THE ABILITY TO OVERSEE SITE PREPARATION YOURSELF, BE SURE THAT YOUR AGREEMENT WITH THE PARTY PROVIDING THE LAND COVERS THEIR RESPONSIBILITIES FOR SITE PREPARATION.

If you are acquiring a manufactured home you need to be sure that the site is properly prepared **BEFORE the home is installed**. If you will be having your home installed in a rental community, you should first be sure that the community has prepared the site properly and assumed that responsibility. If you are acquiring a manufactured home that is already installed, you should satisfy yourself that the site was properly prepared first.

Site Preparation includes AT LEAST the following: (1) selecting a site where the home will not be affected by rising or running water, as in the case of heavy rains, (2) grading the site, as needed, so that the land slopes away from the home, (3) making sure that the site will not create puddles or moisture build-up under the home by filling any depressions and, as needed, providing for drainage, (4) clearing away any plants, stumps, or debris on the site where the home will be placed, and (5) installing any required vapor retarder (and, if such a retarder is to be installed, trimming any grasses or other organic materials to a suitable height, not greater than 8").

The footing must be placed on firm, undisturbed soil, or fill compacted to at least 90% of its maximum relative density. Installation on loose, noncompacted fill may invalidate the home's limited warranty.

If, at the time of installation or within 90 days thereafter your retailer is providing skirting, the retailer must also provide and install any required vapor retarder and insure that there is adequate ventilation under the home. If the retailer is not providing these things, you should be sure that you have provided for any required vapor retarder and that you have provided adequately for ventilation under the home.

FAILURE TO PREPARE THE SITE PROPERLY AND/OR FAILURE TO TAKE APPROPRIATE MEASURES TO GUARD AGAINST MOISTURE BUILD-UP MAY CAUSE SERIOUS PROBLEMS WITH YOUR MANUFACTURED HOME INCLUDING, BUT NOT LIMITED TO, MOISTURE IN THE HOME, DE-LAMINATION OF FLOOR DECKING, BUCKLING OF WALLS AND FLOORS, WARPAGE THAT WILL MAKE DOORS AND WINDOWS NOT OPERATE PROPERLY, FAILURE OF ANCHORS TO HOLD THE HOME AS INTENDED, AND EVEN SERIOUS STRUCTURAL DAMAGE.

consumer's signature

consumer's signature

type or print name

type or print name

date

date

(34) – (37) (No change.)

(38) Probationary Notice of Installation (Form T).

**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.tdhca.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					

Is home installed in Frost Line Zone? () Yes-New-() No-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 7th** day after which the installation is completed. The Installation Report (Form T) should 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) probationary installations must be inspected without violations for a probationary installer's license to become a full installer's license.

Department Use Only

- Inspected Without Violations
- Inspected With Violations
- Not Inspected, Unit Skirted

- Not Inspected, Unable to Locate
- Not Inspected, No Unit At Location
- Not Inspected, Unit Not Accessible

Inspection Date: _____ HUD/Seal #: _____

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.

Inspector Signature: _____ Printed Name: _____

DRAW MAP BELOW



(39) – (44) (No change.)

(45) Consumer Disclosure Statement (Spanish Version).

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

**TOMANDO UNA DECISIÓN BIEN INFORMADA SOBRE LA
COMPRA DE UNA VIVIENDA PREFABRICADA**

SI TIENE ALGUNA PREGUNTA LLAME AL 1-800-500-7074

Ser dueño de CUALQUIER vivienda trae muchas responsabilidades. La compra de una vivienda prefabricada implica muchas consideraciones importantes y únicas. Esta divulgación es para ayudarle a reconocer y entender muchos de estos factores. **Por favor léalo con cuidado.**

ESCOGIENDO UNA VIVIENDA PREFABRICADA COMO SU VIVIENDA: Las viviendas prefabricadas vienen a una variedad de tamaños, estilos, diseños, comodidades, servicios, y diferentes escalas de precios. Todas las viviendas prefabricadas son construidas de acuerdo con las normas federales establecidas por el Departamento Federal de Vivienda y Desarrollo Urbano (HUD). También, el gobierno federal y el estado de Texas requieren que los fabricantes, vendedores e instaladores ofrezcan cierto tipo de garantías para viviendas prefabricadas. El tipo de garantías que recibirá depende de que si usted está comprando una vivienda prefabricada nueva o usada. Usted tiene el derecho a ver la garantía del fabricante y la garantía del vendedor antes de establecer un acuerdo obligatorio para comprar una vivienda prefabricada.

Iniciales

ESCOGIENDO UN VENDEDOR DE VIVIENDA PREFABRICADA: El Estado de Texas da licencia y supervisa a fabricantes, vendedores, minoristas, comisionistas, reconstructores, e instaladores de vivienda prefabricada. La agencia responsable por esta licencia y vigilancia es el Departamento de Vivienda y Asuntos Comunitarios, División de Vivienda Prefabricada (el “departamento”). Su vendedor de vivienda prefabricada debe exhibir su licencia o estar dispuesto a mostrarla en su oficina de ventas. **Tratar con individuos con licencia puede proporcionar protecciones importantes al consumidor.**

Iniciales

DEPÓSITOS: El vendedor de la vivienda prefabricada puede requerirle que ponga un depósito para una vivienda, sin tener en cuenta de que si la vivienda está en el lote de ventas del vendedor, está siendo vendida en otra locación, o será ordenada a la fábrica. La cantidad del depósito es determinada entre usted y el vendedor. El depósito se convierte a un enganche una vez que se ejecute el acuerdo obligatorio de compra. Usted tiene el derecho de exigir un reembolso de su depósito o el enganche, y recibirlo dentro un período de 15 días, si usted oportunamente y correctamente decide rescindir del acuerdo de compra.

Iniciales

OPCIONES DE FINANCIAMIENTO: Una vivienda prefabricada en Texas tiene una flexibilidad enorme cuando se trata de financiamiento porque puede ser financiada como una propiedad personal (típicamente un préstamo al consumidor asegurado solamente con la vivienda) o, si usted es dueño del terreno donde está ubicada la vivienda prefabricada (o tiene un contrato de arrendamiento a largo término sobre el terreno) como bienes raíces (típicamente un préstamo hipotecario asegurado por la vivienda y el terreno). Debe hablar con posibles prestamistas sobre los términos o condiciones que ellos pueden ofrecer. Si usted piensa que un prestamista ofrece una tasa de interés demasiado alta, entonces hable con otro prestamista.

Generalmente, los prestamistas a consumidores deben estar registrados con la Oficina del Consumer Credit Commissioner. Los préstamos hipotecarios por lo general son originados por agentes de hipotecas (autorizados por el Departamento de Savings and Mortgage Lending), los bancos hipotecarios (registrados con el Departamento de Savings and Mortgage Lending), o instituciones financieras (reguladas por el gobierno estatal y/o federal, dependiendo del tipo de institución financiera).

**Cuando Decida Comprar una Vivienda Prefabricada,
Prepare para la Flexibilidad y el Cambio**

SU PRÉSTAMO SERÁ UN FACTOR MAYOR EN DETERMINAR SUS PAGOS, PERO TAMBIÉN HAY OTROS FACTORES IMPORTANTES QUE DEBE TOMAR EN CUENTA, TAL COMO:

- Préstamos de Tarifa Ajustable - Si las tarifas suben, los pagos de su préstamo también subirán.
- Impuestos sobre la Propiedad – Cambios en el valor de su vivienda y en la tasa de impuesto puede causar cambios en sus pagos.
- Seguro - Si el precio de cobertura sube, también subirá su pago.
- Alquiler del Terreno - Si usted alquila el terreno donde se encuentra la vivienda, su alquiler puede ser sujeto a aumentar.

Iniciales

RESTRICCIONES LOCALES Y EXIGENCIAS (ZONIFICACIÓN): La vivienda puede ser sujeto a exigencias locales especiales dependiente de donde se va a localizar, incluyendo restricciones de zonificación y escritura. Estas exigencias locales pueden afectar donde la vivienda puede ser colocada y también pueden implicar otras exigencias relacionadas (y gastos) como exigencias de tamaño y exigencias de construcción. Comuníquese con el municipio local, el condado, y el gerente de la subdivisión para averiguar qué tipo de exigencias pueden ser aplicadas al sitio donde usted va a colocar la vivienda prefabricada.

Iniciales

PREPARACIÓN ADECUADA DEL SITIO: El instalador es responsable por la preparación apropiada del sitio en donde se instalará una vivienda prefabricada nueva. El consumidor es responsable por la preparación apropiada del sitio en donde se instalará una vivienda prefabricada usada. Si usted no piensa que puede preparar su sitio apropiadamente, considere contratar a alguien más con la experiencia necesaria y el equipo necesario para hacerlo por usted. La preparación apropiada del sitio incluye el lugar correcto para colocar la vivienda para que pueda tener un buen drenaje de modo que el agua no se estanque o corra debajo o alrededor de la vivienda; además tierra comprimida firme sin troncos o basura. El sitio que ha seleccionado y preparado también necesita cumplir cualquier exigencia de colocación y tener acceso a cualquier sistema requerido de agua, tanque séptico, y servicios.

¡LA PREPARACIÓN APROPIADA DEL SITIO ES ESENCIAL!

Iniciales

INSTALACIÓN: Si usted está comprando una vivienda prefabricada NUEVA, la instalación tiene que ser incluida. Si está comprando una vivienda prefabricada USADA, la instalación puede estar incluida o no. Si la instalación no está incluida y hace el arreglo usted mismo, recuerde que SOLAMENTE UN INSTALADOR AUTORIZADO puede instalar la vivienda prefabricada. El instalador que actualmente instala la vivienda también debe proporcionar una garantía.

LA LEY EXIGE QUE UNA VIVIENDA SEA INSTALADA POR UN INSTALADOR AUTORIZADO ANTES DE QUE PUEDA SER OCUPADA.

Si usted compra una vivienda que ya ha sido instalada, debería preguntarle al vendedor si ellos comprobarán la nivelación, la presencia (si es requerido) y la condición de cualquier agente retardador de vapor, revisarán todo lo relacionado con la fundación/sistema de estabilización, o proporcionarán cualquier otro servicio relacionado con la instalación.

Si usted adquiere una vivienda prefabricada usada que ya está instalada en un condado de Zona de Viento II, pero la vivienda es de Zona de Viento I, lo que significa que la vivienda no fue diseñada o construida para resistir vientos fuertes de huracán que ocurren en una Zona de Viento II o III, la vivienda no podrá ser instalada en una Zona de Viento II a menos que la vivienda haya sido construida antes del 1 de Septiembre, 1997.

Iniciales

MANTENIMIENTO: CUALQUIER vivienda requiere mantenimiento – cosas como revisar y reparar el techo, mantener respiraderos y filtros despejados, mantenimiento regular a los sistemas sépticos y pozos para asegurarse que funcionan apropiadamente y de manera sanitaria, calafatear para evitar escapes y pintar periódicamente. También, dependiendo del sistema de fundación que escoja, una vivienda prefabricada puede requerir revisiones periódicas para comprobar que está aún nivel y que las anclas y correas están seguras.

Iniciales

MANTENIMIENTO DE FUNDACIÓN: Debe aceptar toda la responsabilidad por el mantenimiento del sitio al momento de cierre. Estas responsabilidades incluyen: buen mantenimiento del drenaje alrededor de la vivienda, la prevención de la erosión de tierra, inspecciones periódicas del apoyo de la fundación y el anclaje, y cualquier nivelación o ajuste que se puede requerir a menos que se haya acordado de otra manera. Las viviendas localizadas en las áreas que tienen suelos con el alto contenido de arcilla que se expanda deben mantener niveles de humedad constantes. Esto puede incluir el regar alrededor de la fundación durante meses secos del verano y controlando adecuadamente el tamaño y proximidad de plantas cerca de la fundación.

Iniciales

ALQUILER DE SOLAR: Si usted alquila el solar donde su vivienda será instalada, existe la posibilidad de que el alquiler aumente, y es posible que el arrendador pueda decidir cambiar el uso del terreno y no renovar su contrato de renta. Aunque se le de un preaviso, esto significaría que usted tendría que mover su vivienda y tener que instalarla en otro lugar.

Iniciales

AGUA Y SERVICIOS: Asegúrese que su terreno tiene acceso al agua. Si usted taladre un pozo, piense en buscar ofertas de varios perforadores. Si hay agua disponible por medio del municipio, distrito de servicios, distrito de agua, o cooperativa, usted debería informarse sobre las tarifas que tendrá que pagar y los gastos necesarios para poder ser parte del sistema de agua. Asegúrese que cualquier servicio que necesitará está disponible en el terreno, y si no lo están, averigüe que implicará para que usted pueda adquirirlos y conectarlos.

Iniciales

CONEXIONES DE ALCANTARILLADO O SISTEMAS SÉPTICOS: Si el terreno no es parte de un sistema de alcantarillado municipal o de los servicios del distrito, tendrá que instalar un sistema séptico. Hay varias preocupaciones o restricciones que determinarán si su terreno es adecuado para poder tener un sistema séptico. Compruebe con el condado local o un instalador autorizado privado para determinar las exigencias que se aplican en su terreno y el costo para instalar dicho sistema.

Iniciales

ASOCIACIÓN DE PROPIETARIOS Y HONORARIOS: Muchas subdivisiones tienen evaluaciones obligatorias y honorarios que los propietarios del terreno deben pagar. Compruebe con el gerente de la subdivisión donde está ubicado su lote para determinar si los honorarios se aplican a su terreno.

Iniciales

IMPUESTOS DE PROPIEDAD: Las viviendas prefabricadas son valuadas y sujetas a impuestos de propiedad. Según el tipo de préstamo que usted obtenga, su prestamista puede incluir los impuestos junto con su pago, y esto aumentará su mensualidad. Elegir el tratamiento de su vivienda como propiedad personal o bienes raíces puede impactar cualquier exención que podría obtener para reducir sus impuestos. Comuníquese con la oficina de impuestos del condado si tiene alguna pregunta. Si no cumple con su pago de impuestos o no arregla con el agente de colecciones para hacer los pagos, lo puede colocar en riesgo de tener un embargo sobre su vivienda, y posiblemente perder la vivienda por no hacer los pagos de impuestos. Si usted no tiene un prestamista que le retenga los impuestos del pago, el agente de colección calculará un acuerdo para retención de pagos si usted lo solicita.

Iniciales

SEGURO: Su prestamista seguramente requerirá que obtenga seguro. Usted debería solicitar cotizaciones de un agente. Incluso si usted no tiene un prestamista, es buena idea obtener el seguro para proteger su vivienda y a usted mismo.

Iniciales

FONDO FIDUCIARIO DE RECUPERACION PARA PROPIETARIOS DE VIVIENDA PREFABRICADA EN TEXAS (EL FONDO): El Fondo establecido por la ley es para proteger a los consumidores que incurren daños actuales debido a violaciones de ley específicas que impliquen actos u omisiones de agentes autorizados. Para aprender más sobre el Fondo usted puede visitar la página internet del departamento en: www.tdhca.state.tx.us/mh/index.htm o llamar al departamento para una descripción impresa del Fondo y como funciona. Los reclamos sobre el Fondo tienen que ser verificados y tienen que ser hecho dentro de dos años de la fecha del acto o la omisión o cuando fue descubierto o debió ser descubierto razonablemente.

Iniciales

DERECHO DE RESCINDIR CONTRATO DE COMPRA: Una vez que usted hace un contrato con un vendedor para adquirir una vivienda prefabricada, usted tiene el derecho de rescindir el contrato. Usted puede, no más tarde del tercer día después de que el contrato haya sido firmado, rescindir el contrato sin multas ni cargos. El derecho de rescindir puede ser modificado o cancelado sólo si usted tiene una emergencia auténtica. El departamento tiene reglas sobre las exigencias detalladas para renunciaciones y modificaciones. Si usted concede a alguien más que el vendedor un derecho de embargo sobre la vivienda que usted está comprando, el derecho de rescisión automáticamente ya no aplica cuando el gravamen se registra con el TDHCA.

Iniciales

Esta **Divulgación de Seis Páginas** fue proporcionada a mí/nosotros por el vendedor y/o prestamista identificado debajo en esta fecha. Fue proporcionado a yo/nosotros antes de que yo/nosotros cumplí/cumplimos una solicitud de crédito (si la compra es financiada) o antes de que yo/nosotros firmamos un contrato para comprar, para intercambiar, o de arriendo con opción a compra de una vivienda prefabricada.

FECHA

VENDEDOR O PRESTAMISTA

NÚMERO DE LICENCIA (del vendedor)

Firma del CLIENTE

Firma del CLIENTE

Nombre del Cliente (escrito)

Nombre del Cliente (escrito)

Fecha: _____

Fecha: _____

(46) HUD Required Installation Program Disclosure to Consumer.

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 Required Installation Program Disclosure to Consumer

Name of Retailer or Installer: _____

License No.: _____

Effective 10/20/08 24 CFR § 3286.7 Consumer information.

(b) *Retailer disclosures before sale or lease.*

Prior to execution of the sales contract to purchase or agreement to lease a manufactured home, the retailer must provide the purchaser or lessee with a consumer disclosure. This disclosure must be in a document separate from the sales or lease agreement. The disclosure must include the following information, as applicable:

- (1) When the installation of the home is in a state that administers its own qualifying installation program, the consumer disclosure must clearly state that the home will be required to comply with all state requirements for the installation of the home;

This home will be installed to the Texas Administered Installation Program guidelines and in accordance with all the requirements of Chapter 80, Administrative Rules.

- (2) When the installation of the home is in a state that does not administer its own qualifying installation program, the consumer disclosure must clearly state that the home will be required to comply with federal requirements, including installation in accordance with federal installation standards set forth in 24 CFR part 3285 and certification by a licensed installer of installation work, regardless of whether the work is performed by the homeowner or anyone else, and when certification includes inspection by an appropriate person;
- (3) For all homes, the home may also be required to comply with additional state and local requirements for its installation;

In Accordance with Chapter 80, Administrative Rules; any new home installed in Texas shall be installed to Manufacture's Specifications or an engineered approved custom foundation.

- (4) For all homes, additional information about the requirements disclosed under paragraphs (b)(1) through (b)(4) of this section is available from the retailer and, in the case of the federal requirements, is available in part 3286 of Title 24 of the Code of Federal Regulations and from the U.S. Department of Housing and Urban Development;
- (5) For all homes, compliance with any additional federal, state, and local requirements, including a requirement for inspection of the installation of the home, may involve additional costs to the purchaser or lessee; and
- (6) For all homes, a recommendation that any home that has been reinstalled after its original installation should be professionally inspected after it is set up, in order to assure that it has not been damaged.

Secondary installations are allowed to be set to the Texas State Generic Standards, Chapter 80.23 Subchapter C.

Consumer Signature:

Consumer Printed Name:

Date: