



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
June 25, 2010

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**

June 25, 2010

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
1500 N. Congress, Capitol Extension Committee Room E2.028
Austin, Texas 78701

June 25, 2010 11:00 a.m.

AGENDA

CALL TO ORDER, ROLL CALL Chair

CERTIFICATION OF QUORUM Chair

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

ACTION ITEMS

- | | | |
|---------|---|-----------------|
| Item 1. | Consideration and action to approve the minutes of the board meeting on March 12, 2010. | Chair |
| Item 2. | Report of the Finance and Audit Committee Meeting: Presentation, discussion and consideration to approve the FY 2011 Operating Budget. | Pablo Schneider |
| Item 3. | Report of the Finance and Audit Committee Meeting: Presentation, discussion and consideration to approve the execution of amendment to the Administrative Services Agreement for FY 2011 between the Manufactured Housing Division and TDHCA. | Pablo Schneider |
| Item 4. | Report of the Finance and Audit Committee Meeting: Presentation, discussion and consideration to approve the FY 2012 - 2013 Legislative Appropriations Request. | Pablo Schneider |
| Item 5. | Presentation, discussion and action concerning the SOAH Proposal for Decision: In the Matter of the Complaint of Manufactured Housing Division vs. John Muth, Docket Number 332-10-1890. | Amy Morehouse |

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

REPORT ITEMS

- | | | |
|----|---|---------------|
| 1. | Sunset review update. | Amy Morehouse |
| 2. | Executive Director's Report to include issues relating to the operations, budget, and performance of the Manufactured Housing Division. | Joe Garcia |

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/MHD, 1106 Clayton Lane, Suite 270W, Austin, Texas 78723, 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, March 12, 2010, at 10:17 a.m., there was a regular meeting of the Manufactured Housing Board (the “Board”) at 1500 N. Congress, Capitol Extension Committee E2.028. Michael Bray presided. Pablo Schneider and Devora Mitchell, constituting a quorum, attended. Donnie Wisenbaker and Sheila Vallés-Pankratz were absent. The following Manufactured Housing Division (the “MHD”) staff were present: Joe Garcia, Amy Morehouse, Kassu Asfaw, Jim Hicks, Jennifer Dillard, Eric Franklin, 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 and confirmed the presence of a quorum.

Harriet Fortson presented the Licensing Unit Internal Audit Report.

Michael Bray asked for a motion to approve the minutes from the board meeting on January 15, 2010. Upon motion of Pablo Schneider, duly seconded by Devora Mitchell, the minutes of the previous meeting were unanimously approved.

Joe Garcia presented and discussed for approval adoption of proposed amendments to 10 TAC, Chapter 80, for publication in the Texas Register as adopted. Upon motion of Pablo Schneider, duly seconded by Devora Mitchell, the rules 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, June 25, 2010, at 10:30 a.m.

There being no further business to come before the board, the meeting was adjourned at 11:23 a.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair

Texas Department of Housing and Community Affairs
 Historical Budget Analysis
 Manufactured Housing Division
 For FY 2011 and 2010

Agenda Action Item No. 2

D R A F T

Budget Categories	FY 11 Budget (a)	FY 10 Budget (b)	Variance (a-b)	Percentage Change
Salaries and Wages	\$ 3,600,178	\$ 3,418,627	\$ 181,551	5%
Payroll Related Costs	1,008,050	957,216	50,834	5%
Travel In-State	300,000	300,000	0	0%
Travel Out-of State	0	0	0	0%
Home Owner Consumer Claims (Rider # 13)	300,000	300,000	0	0%
Professional Fees	44,000	44,000	0	0%
Materials and Supplies	105,250	105,250	0	0%
Repairs/Maintenance	74,279	74,279	0	0%
Printing and Reproduction	30,000	40,160	-10,160	-25%
Rental/Lease	174,984	163,209	11,775	7%
Membership Dues	500	500	0	0%
Registration Fees	33,400	33,400	0	0%
Texas Online	19,120	19,120	0	0%
Employee Tuition	500	500	0	0%
Advertising	0	0	0	0%
Freight/Delivery	1,500	1,500	0	0%
Temporary Help	62,000	62,000	0	0%
Furniture/Equipment	10,000	12,000	-2,000	-17%
Communications/Utilities	110,000	110,000	0	0%
Capital Outlay - Computers/Servers	61,186	35,772	25,414	71%
State Office of Risk Management	10,000	10,000	0	0%
Subtotal	5,944,947	5,687,533	257,414	5%
Indirect Support	512,127	512,127	-	0%
Total Manufactured Housing *	\$ 6,457,074	\$ 6,199,660	\$ 257,414	4%

FTE's 64 64 - 0%

Method of Finance:

General Revenue	19,120	19,120	-	0%
Appropriated Receipts	6,137,954	5,880,540	257,414	4%
Federal Funds	300,000	300,000	-	0%
Total Method of Finance	\$ 6,457,074	\$ 6,199,660	\$ 257,414	4%

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

- \$ 4,936,897 - Total Direct Strategies Appropriations to MHD
 - \$ 1,008,050 - Payroll related costs - an indirect appropriation, which is a state-wide allocation by the Comptroller; it's included here for assessment or information purpose.
 - \$ 512,127 - Administrative Support costs - an indirect appropriation, which is the service contract fees with the TDHCA; it's included here for assessment or information purpose.
- \$6,457,074**

Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Operating Budget Allocation to Direct Strategies
 For FY 2011

Description	Expenditures	E.1.1. SOL& Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 3,600,178	1,304,281	1,173,686	1,122,211	\$ -	\$ 3,600,178
Payroll Related Costs					-	0
Travel In-State	300,000	12,000	284,000	4,000	-	300,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0	0	300,000	-	300,000
Professional Fees	44,000	15,400	14,520	14,080	-	44,000
Materials and Supplies	105,250	80,861	12,937	11,452	-	105,250
Repairs/Maintenance	74,279	25,998	24,512	23,769	-	74,279
Printing and Reproduction	30,000	29,160	0	840	-	30,000
Rental/Lease	174,984	61,244	57,745	55,995	-	174,984
Membership Dues	500	175	165	160	-	500
Registration Fees	33,400	11,690	11,022	10,688	-	33,400
Texas Online	19,120		0	0	19,120	19,120
Employee Tuition	500	175	165	160	-	500
Advertising	0	0	0	0	-	0
Freight/Delivery	1,500	525	495	480	-	1,500
Temporary Help	62,000	54,000	4,000	4,000	-	62,000
Furniture/Equipment	10,000	3,500	3,300	3,200	-	10,000
Communications/Utilities	110,000	38,500	40,239	31,261	-	110,000
Capital Outlay - Computers/Server	61,186	21,415	20,191	19,580	-	61,186
State Office of Risk Management	10,000	3,500	3,300	3,200	-	10,000
	\$ 4,936,897	\$ 1,662,424	\$ 1,650,276	\$ 1,605,076	\$ 19,120	\$ 4,936,897

FTE's 64 29 19.6 15.4 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total
Strategy One	1,662,424	0	1,662,424	1,662,424
Strategy Two	1,650,276	0	200,000	1,650,276
Strategy Three	1,605,076	0	100,000	1,605,076
Strategy Four	19,120	19,120	0	19,120
	\$ 4,936,897	\$ 19,120	\$ 300,000	\$ 4,936,897

Indirect Support:

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

Method of Finance:

Appropriated Receipts	\$ 512,127	\$ 179,075	\$ 174,506	\$ 158,546	\$ 512,127
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**Manufactured Housing Division
Revenue Summary and Projections
For FY 2011-10**

FEE TYPE	FY 2011 Projected (c)	FY 2010 Act/Est. (d)	Variance (c-d)	Percentage Change
Training	105,802	105,802	-	0%
SOL - Titles	3,579,136	3,579,136	-	0%
Licenses	578,842	806,147	(227,305)	-28.20%
Inspections	1,006,085	1,006,085	-	0%
Admin. Penalties	55,659	55,659	-	0%
Public Information	6,698	6,698	-	0%
Reimbursement - HORTF	276,648	276,648	-	0%
Returned Check Charge	-	-	-	0%
	5,608,870	5,836,175	(227,305)	-4%
Federal Fund	525,825	525,825	-	0%
Total	\$ 6,134,695	\$ 6,362,000	\$ (227,305)	-4%

** Note: The assumptions for FY 2011 revenues use the actual/estimates for FY 2010 and modified historical trends.*

Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Budget and Expense Status
 September 1, 2009 - August 31, 2010
 For FY 2010

Budget Categories	Annual Budget (a)	*1 YTD Act/Est. Expenses Sep - Aug (b)	Remaining Budget As of August (a-b)	Remaining Budget Not Used %
Salaries and Wages	\$ 3,418,627	3,298,789	119,838	4%
Payroll Related Costs	957,216	893,345	63,871	7%
Travel In-State	300,000	202,906	97,094	32%
Travel Out-of State	0	0	0	0%
Home Owner Consumer Claims (Rider # 13)	300,000	183,898	116,102	39%
Professional Fees	44,000	32,339	11,661	27%
Materials and Supplies	105,250	75,934	29,316	28%
Repairs/Maintenance	74,279	92,217	(17,938)	-24%
Printing and Reproduction	40,160	11,087	29,073	72%
Rental/Lease	163,209	94,713	68,496	42%
Membership Dues	500	360	140	28%
Registration Fees	33,400	1,058	32,342	97%
Texas Online	19,120	1,480	17,640	92%
Employee Tuition	500	0	500	100%
Advertising	0	0	0	0%
Freight/Delivery	1,500	976	524	35%
Temporary Help	62,000	18,878	43,122	70%
Furniture/Equipment	12,000	22,140	(10,140)	-85%
Communications/Utilities	110,000	157,806	(47,806)	-43%
Capital Outlay	35,772	34,370	1,402	4%
State Office of Risk Management	10,000	8,637	1,363	14%
Subtotal	5,687,533	5,130,933	556,600	10%
Indirect Support	512,127	498,466	13,661	3%
Total Manufactured Housing	\$ 6,199,660	\$ 5,629,399	\$ 570,261	9%

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

Exhibit A

**Manufactured Housing
Administrative Support Schedule
Fiscal Year 2011**

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

Agenda Action Item No. 3

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

This Administrative Services and Cost Reimbursement Agreement ("Agreement") is made effective as of September 1, 2010 by and between the **Texas Department of Housing and Community Affairs**, a public and official department of the State of Texas ("TDHCA"), and the **Manufactured Housing Division** of TDHCA.

RECITALS:

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

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

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

1. ADMINISTRATIVE SERVICES AND REIMBURSEMENT OF OPERATING COSTS

1.1 Scope of Services

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

2. TERM

2.1 Term

This Agreement shall be effective September 1, **2010** and shall continue in full force and effect until August 31, **2011**, unless sooner terminated pursuant to Section 4.1 of this Agreement.

3. ADMINISTRATIVE SERVICES FEES AND COST REIMBURSEMENTS

3.1 Reimbursement to TDHCA for Operating Costs

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

3.2 Payments to TDHCA for Services

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

4. TERMINATION OF AGREEMENT

4.1 Early Termination

Either party and the duly constituted MH Board contemplated by Sections 2306 once appointed may terminate this Agreement prior to the August 31, 2011 term provided in Section 2.1 upon 30 days' written notice to the other party. Administrative fees due for Services provided up to and including the date of such early termination shall be prorated and shall be payable in full to TDHCA upon such early termination. If this Agreement is terminated by the MH Board, TDHCA agrees to take all actions necessary to deliver to the MH Board possession or control of all books, records, and property of the MH Division in TDHCA's possession in an orderly manner and without interruption of the MH Division's business.

5. FORCE MAJEURE

5.1 Force Majeure

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

6. MISCELLANEOUS

6.1 Notices

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

If to TDHCA to:

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

If to the Manufactured Housing Division to:

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

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

6.2 Entire Agreement

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

6.3 Assignment

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

6.4 Governing Law

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

6.5 No Waiver

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

6.6 Partial Invalidity

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

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

6.7 Time

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

6.8 Jurisdiction and Venue

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

6.9 Section Headings

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

IN WITNESS WHEREOF, the parties have signed this Agreement to be effective as of September 1, 2010.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

By: _____
Michael G. Gerber
Executive Director

MANUFACTURED HOUSING DIVISION

By: _____
Joe A. Garcia
Executive Director

ADMINISTRATIVE SERVICES AGREEMENT AND COST REIMBURSEMENT AGREEMENT

Exhibit A

**Manufactured Housing
Administrative Support Schedule
Fiscal Year 2011**

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

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Legislative Appropriations Request
 For FY 2012 & 2013**

Agenda Action Item No. 4

Budget Categories	FY 12 Budget (a)	FY 13 Budget (b)	Variance (b-a)	Percentage Change
Salaries and Wages	\$ 3,976,311	\$ 4,195,930	\$ 219,619	5.5%
Travel In-State	300,000	300,000	0	0.0%
Travel Out-of State	0	0	0	0.0%
Home Owner Consumer Claims (Rider # 13)	300,000	300,000	0	0.0%
Professional Fees	68,544	68,544	0	0.0%
Materials and Supplies	130,000	130,000	0	0.0%
Repairs/Maintenance	98,692	98,692	0	0.0%
Printing and Reproduction	30,000	30,000	0	0.0%
Rental/Lease	184,311	184,311	0	0.0%
Membership Dues	1,000	1,000	0	0.0%
Registration Fees	33,400	33,400	0	0.0%
Texas Online	18,164	18,164	0	0.0%
Employee Tuition	2,000	2,000	0	0.0%
Advertising	300	300	0	0.0%
Freight/Delivery	2,000	2,000	0	0.0%
Temporary Help	40,000	40,000	0	0.0%
Furniture/Equipment	17,000	17,000	0	0.0%
Communications/Utilities	169,255	169,255	0	0.0%
Capital Outlay - Computers, Servers, etc.	89,300	83,600	-5,700	-6.4%
State Office of Risk Management	10,000	10,000	0	0.0%
Total	\$ 5,470,277	\$ 5,684,196	213,919	3.9%

FTE's	64	64	-	0%
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Method of Finance:

General Revenue	18,164	18,164	-	0.0%
Appropriated Receipts	5,152,113	5,366,032	213,919	4.2%
Federal Funds	300,000	300,000	-	0.0%
Total Method of Finance	\$ 5,470,277	\$ 5,684,196	\$ 213,919	3.9%

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Appropriations Request Allocation to Direct Strategies
 For FY 2012**

Description	Expenditures	E.1.1. SOL & Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 3,976,311	\$ 1,444,726	\$ 1,285,675	1,245,910	\$ -	3,976,311
Travel In-State	300,000	11,000	284,000	5,000	-	300,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0	0	300,000	-	300,000
Professional Fees	68,544	25,361	24,126	19,057	-	68,544
Materials and Supplies	130,000	45,500	42,900	41,600	-	130,000
Repairs/Maintenance	98,692	36,516	33,555	28,621	-	98,692
Printing and Reproduction	30,000	18,400	2,000	9,600	-	30,000
Rental/Lease	184,311	82,040	71,590	30,681	-	184,311
Membership Dues	1,000	370	340	290	-	1,000
Registration Fees	33,400	17,900	8,500	7,000	-	33,400
Texas Online	18,164	0	0	0	18,164	18,164
Employee Tuition	2,000	1,500	250	250	-	2,000
Advertising	300	111	102	87	-	300
Freight/Delivery	2,000	740	680	580	-	2,000
Temporary Help	40,000	35,000	2,500	2,500	-	40,000
Furniture/Equipment	17,000	10,500	3,500	3,000	-	17,000
Communications/Utilities	169,255	59,240	61,778	48,237	-	169,255
Capital Outlay	89,300	33,041	30,362	25,897	-	89,300
State Office of Risk Management	10,000	3,700	3,400	2,900	-	10,000
	\$ 5,470,277	\$ 1,825,645	\$ 1,855,258	\$ 1,771,209	\$ 18,164	\$ 5,470,277

FTE's 64 29.6 18.5 15.9 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total
Strategy One:	1,825,645	0	1,825,645	1,825,645
Strategy Two:	1,855,258	0	200,000	1,855,258
Strategy Three:	1,771,209	0	100,000	1,771,209
Strategy Four	18,164	18,164		18,164
	\$ 5,470,277	\$ 18,164	\$ 300,000	\$ 5,470,277

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Appropriations Request Allocation to Direct Strategies
 For FY 2013**

Description	Expenditures	E.1.1. SOL & Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 4,195,930	\$ 1,468,371	\$ 1,384,699	\$ 1,342,860	\$ -	\$ 4,195,930
Travel In-State	300,000	11,000	284,000	5,000	-	300,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0		300,000	-	300,000
Professional Fees	68,544	25,361	24,126	19,057	-	68,544
Materials and Supplies	130,000	45,500	42,900	41,600	-	130,000
Repairs/Maintenance	98,692	34,000	33,000	31,692	-	98,692
Printing and Reproduction	30,000	18,400	2,000	9,600	-	30,000
Rental/Lease	184,311	82,040	71,590	30,681	-	184,311
Membership Dues	1,000	370	340	290	-	1,000
Registration Fees	33,400	17,900	8,500	7,000	-	33,400
Texas Online	18,164	0	0	0	18,164	18,164
Employee Tuition	2,000	1,500	250	250	-	2,000
Advertising	300	111	102	87	-	300
Freight/Delivery	2,000	740	680	580	-	2,000
Temporary Help	40,000	35,000	2,500	2,500	-	40,000
Furniture/Equipment	17,000	10,500	3,500	3,000	-	17,000
Communications/Utilities	169,255	59,240	61,778	48,237	-	169,255
Capital Outlay	83,600	30,971	28,424	24,205	-	83,600
State Office of Risk Management	10,000	3,700	3,400	2,900	-	10,000
	\$ 5,684,196	\$ 1,844,704	\$ 1,951,789	\$ 1,869,539	\$ 18,164	\$ 5,684,196

FTE's 64 29.6 18.5 15.9 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total	
Strategy One:	1,844,704	0	1,844,704	0	1,844,704
Strategy Two:	1,951,789	0	1,751,789	200,000	1,951,789
Strategy Three:	1,869,539	0	1,769,539	100,000	1,869,539
Strategy Four:	18,164	18,164	-	-	18,164
	\$ 5,684,196	\$ 18,164	\$ 5,366,032	300,000	5,684,196

Texas Department of Housing and Community Affairs
Manufactured Housing Division
Revenue Summary and Projections
For FY 2012-2013

FEE TYPE	FY 2012 Projected (c)	FY 2013 Projected (d)	Variance (c-d)	Percentage Change
Training	110,000	110,000	-	0.0%
SOL - Titles	3,600,000	3,600,000	-	0.0%
Licenses	893,000	596,000	(297,000)	-33.3%
Inspections	1,100,000	1,100,000	-	0.0%
Admin. Penalties	55,659	55,659	-	0.0%
Public Information	6,698	6,698	-	0.0%
Reimbursement - HORTF	280,000	280,000	-	0.0%
Returned Check Charge	-	-	-	0.0%
	6,045,357	5,748,357	(297,000)	-4.9%
Federal Fund	526,000	526,000	-	0%
Total	\$ 6,571,357	\$ 6,274,357	\$ (297,000)	-4.5%



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MANUFACTURED HOUSING DIVISION

Rick Perry
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

Agenda Action Item No. 5

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 revocation of Statement of Ownership and Location, Certificate No. MH00246598

Respondent: John Muth
Statement of Ownership and Location: MH00246598
Docket Number: 332-10-1890

Background

On August 21, 1998, a Texas Original Certificate of Ownership Manufactured Home Document of Title was issued for the owners John F. Muth and Regina S. Muth for a Southern Energy, Manufactured Home identified with Label Number NTA0557948/49 and Serial Number DSETX02006A/B. (Certificate No. 01000631) Certificate No. 01000631 showed that the manufactured home had a lien held by Green Tree Financial Servicing, Corp. created on July 17, 1998.

On or about October 30, 2007, the Department received an application for a new statement of ownership and location from John Muth requesting to release the lien held by Green Tree Financial Servicing Corporation, and to change the ownership of the home from John F. Muth and Regina S. Muth to only John F. Muth.

The application received from John Muth had attached: 1) proof that taxes on the manufactured home were paid; 2) documentation demonstrating John Muth received the manufactured home in a divorce; and 3) a Form B release of Lien. The Form B release of lien was for the manufactured home identified as Label Number NTA0557948/49 and Serial Number DSETX02006A/B and had Green Tree Financial Servicing Corp. listed as the financier releasing the lien as of June 22, 2007. It was later discovered that this Form B contained the signature of a Vanderbilt representative as opposed to a Green Tree representative.

On November 11, 2007, the Department issued a Statement of Ownership and Location demonstrating John Muth as the owner of the manufactured home and showed there were no liens for this particular home. (Certificate No. MH00246598)

On or about May 27, 2009, the Department was informed via e-mail from a Vanderbilt representative that the lien for a manufactured home, Label Number NTA0557949, was released in error by one of their clerks. Green Tree Financial Servicing Corp. confirmed that this lien had not been assigned and was still in effect.

On July 15, 2009, the Department sent a Notice of Revocation of Statement of Ownership and Location, Certificate No. MH00246598 to John Muth and all interested parties pursuant to TEX. OCC. CODE ANN. § 1201.210 based on the lack of consent to release the lien. On September 1, 2009, the Department received a letter from John Muth disputing the revocation of Certificate No. MH00246598 and requesting a hearing.

Pursuant to TEX. OCC. CODE ANN. § 1201.207(c) in order to issue a subsequent statement of ownership and location for the home all parties reflected in the Department's records must give their written consent or release their lien in writing or by operation of law. Based on Green Tree's lack of consent to the issuance of a subsequent Statement of Ownership and Location without their lien, Certificate No. MH00246598 should be revoked.

Applicable Law

TEX. OCC. CODE ANN. § 1201.207(c)(Vernons' 2005) states that except with respect to any change in use, but subject to Section 1201.2075, if the department has issued a statement of ownership and location for a manufactured home, the department may issue a subsequent statement of ownership and location for the home only if all parties reflected in the department's records as having an interest in the manufactured home give their written consent or release their interest, either in writing or by operation of law;¹

TEX. OCC. CODE ANN. § 1201.209(1) and (2) states that the Department may refuse to issue a statement of ownership and location and may revoke a statement of ownership and location if the application for issuance of the statement of ownership and location contains a false or fraudulent statement, the applicant failed to provide information required by the director, or the applicant is not entitled to issuance of the statement of ownership and location; and the director has reason to believe that the manufactured home is stolen or unlawfully converted, or the issuance of a statement of ownership and location would defraud the owner or a lienholder of the manufactured home.

Hearing before the State Office of Administrative Hearings

After proper notice, an administrative hearing was held on February 11, 2010. On April 9, 2010, 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 staff is in agreement with the Findings of Fact and Conclusions of law in this PFD.

Proposal for Decision

The Proposal for Decision dated April 9, 2010, recommends that the Department revoke the

¹ This statute went into effect June 18, 2005 and was in place until December 31, 2007. It has since been amended.

Statement of Ownership and Location issued to the Respondent.

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. Statement of Ownership and Location, Certificate No. MH00246598, should be revoked.