

**Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
October 12, 2012**

Michael H. Bray, Chair

Anthony G. Burks, Member

Bob R. McCarn, Member

Sheila M. Vallés-Pankratz, Member

Donnie W. Wisenbaker, Member

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

October 12, 2012

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Michael H. Bray, Chair	_____	_____
Anthony G. Burks, Member	_____	_____
Bob R. McCarn, 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
October 12, 2012 10:30 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 August 3, 2012. Chair
- Item 2. Presentation, discussion and action to approve the proposed revisions to the Application for Statement of Ownership and Location. Joe Garcia
- Item 3. Presentation, discussion and action to approve adoption of proposed amendments to 10 Texas Administrative Code, Chapter 80 for publication in the Texas Register as adopted. Joe Garcia

REPORT ITEMS

- 1. Executive Director's Report to include issues relating to 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 relating to the executive director's performance evaluation and compensation review 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.

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

On Friday, August 3, 2012, at 10:37 a.m., there was a regular meeting of the Manufactured Housing Board (the "Board") at 1500 N. Congress, Capitol Extension Committee Room E2.028. Michael Bray presided. Bob McCarn, Sheila Vallés-Pankratz and Donnie Wisenbaker constituting a quorum, attended. Anthony Burks was absent. The following Manufactured Housing Division (the "MHD") staff were present: Joe Garcia, Amy Morehouse, Kassu Asfaw and Sharon Choate. Elena Peinado from the Texas Department of Housing and Community Affairs (other than the MHD) was present.

Michael Bray called the roll and confirmed the presence of a quorum.

Michael Bray asked for a motion to approve the minutes from of the board meeting on June 15, 2012. Upon motion of Sheila Vallés-Pankratz, duly seconded by Bob McCarn, the motion was unanimously approved.

Kassu Asfaw presented the FY 2013 Operating Budget to the Board and recommended approval. Upon motion of Donnie Wisenbaker, duly seconded by Sheila Vallés-Pankratz, the FY 2013 Operating Budget was unanimously approved.

Kassu Asfaw presented the FY 2013 Administrative Services Agreement between the Manufactured Housing Division and TDHCA and recommended approval. Upon motion of Sheila Vallés-Pankratz, duly seconded by Bob McCarn, the agreement was unanimously approved.

Kassu Asfaw presented the FY 2014 – 2015 Legislative Appropriations Request and recommended approval. Upon motion of Donnie Wisenbaker, duly seconded by Bob McCarn, the agreement was unanimously approved.

Joe Garcia presented and discussed for approval proposed amendments to 10 Texas Administrative Code Chapter 80 for publication as proposed in the Texas Register for public comment. Upon motion of Sheila Vallés-Pankratz, duly seconded by Donnie Wisenbaker, the rules as discussed with incorporated changes amended by staff were unanimously approved. The approved amendment moves the electrical testing requirement from §80.25 to §80.21 because the requirement is only for new manufactured homes.

The Board did not go into an Executive Session.

Joe Garcia delivered the Executive Director's Report.

The next board meeting was tentatively set for Friday, October 12, 2012.

There being no further business to come before the board, the meeting was adjourned at 12:00 p.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair

Agenda Action Item No. 2

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

MANUFACTURED HOUSING DIVISION

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

APPLICATION FOR STATEMENT OF OWNERSHIP AND LOCATION

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

BLOCK 1: Transaction Identification

Type of Transaction	Regular or Priority Handling	(For Department Use Only) Coding:										
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">Personal Property Transaction</th> <th style="width:50%;">Real Property Transaction</th> </tr> <tr> <td><input type="checkbox"/> New</td> <td><input type="checkbox"/> New</td> </tr> <tr> <td><input type="checkbox"/> Used</td> <td><input type="checkbox"/> Used</td> </tr> <tr> <td><input type="checkbox"/> Lien Assignment</td> <td><input type="checkbox"/> Update SOL</td> </tr> <tr> <td><input type="checkbox"/> Other: _____</td> <td><input type="checkbox"/> Other: _____</td> </tr> </table>	Personal Property Transaction	Real Property Transaction	<input type="checkbox"/> New	<input type="checkbox"/> New	<input type="checkbox"/> Used	<input type="checkbox"/> Used	<input type="checkbox"/> Lien Assignment	<input type="checkbox"/> Update SOL	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____	<input type="checkbox"/> Regular Handling Completed applications will be processed within 15 working days from date received. <input type="checkbox"/> Priority Handling Requested An additional \$55 fee is included with payment to review application within 5 working days from date received.	Lien on file: Y / N Lienholder Code: _____ County Code: _____ Right of Survivorship: Y / N GF# Texas Seal Purchase: Y / / N For Section(s) 1 2 3 4
Personal Property Transaction	Real Property Transaction											
<input type="checkbox"/> New	<input type="checkbox"/> New											
<input type="checkbox"/> Used	<input type="checkbox"/> Used											
<input type="checkbox"/> Lien Assignment	<input type="checkbox"/> Update SOL											
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____											

BLOCK 2(a): Home Information (required)

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

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

2(b) ~~Is home being sold~~ **DOES HOME HAVE A HUD LABEL OR TEXAS SEAL?** No Yes No
 If yes, and if there is/are no HUD Label(s) or Texas Seal(s) on your home, a Texas Seal will need to be purchased and will be issued to each section of your home at an additional cost of \$35.00 per section.
 Indicate which section(s) need(s) Texas Seal(s): Section One Section Two Section Three Section Four
 _____ (Single \$35 Double \$70 Triple \$105)

BLOCK 3: Home Location (required)

Physical Location of Home: (or 911 address)					
	Physical Address (cannot be a Rt. or P. O. Box)	City	State	ZIP	County
Was home moved for this sale?	Yes <input type="checkbox"/> No <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, include a copy of moving permit.				
Was Home Installed for this sale?	Yes <input type="checkbox"/> No <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> If yes, provide installer information below, if known				
Installer Name, address and phone:					

BLOCK 4: Ownership Information (required)

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

4(c) Is Home Being Sold? Yes No

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

HUD Label #:	Serial #:	GF# (for title co.):
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BLOCK 5: Right of Survivorship (if no box is checked, joint owners will NOT have right of survivorship)

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

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

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

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

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

Real Property – I (we) elect to treat this home as real property as (**one box must be checked**):

I (we) own the real property that the home is attached to. I (we) have a qualifying long-term lease for the land that the home is attached to.

The applicant or their authorized representative is the holder or servicer of the loan.

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

Legal description for real property is attached (Example: Deed, title policy, or title commitment).

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

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

BLOCK 7: To Designate a Home as Non-Residential (Business Use) or Salvage

If hHome WILL NOT be used for residential use, -Home indicate its is designated uses:

Business Use (means use other than a residential dwelling, such as storage)

Salvage (means scrapped, dismantled, or which the full insured value has been paid by an insurance company). A salvaged home may only be sold to or rebuilt by a licensed Retailer (subject to inspection and approval prior to construction).

BLOCK 8(a): Liens – Will there be any liens on the home (other than a tax lien)? Yes No **If yes, complete the below lien information.**

Block 8(b): Lien Information

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

BLOCK 9: Special Mailing Instructions

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

BLOCK 10: Signatures Required (Notarization is Optional)

10(a) Signatures of each seller/transferor	10(b) Signatures of each purchaser/transferee or owner
<p align="center">_____ <i>Signature of owner or authorized seller</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p align="center">_____ <i>Signature of Notary</i> SEAL</p>	<p align="center">_____ <i>Signature of purchaser/transferee or owner</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p align="center">_____ <i>Signature of Notary</i> SEAL</p>
<p align="center">_____ <i>Signature of owner or authorized seller</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p align="center">_____ <i>Signature of Notary</i> SEAL</p>	<p align="center">_____ <i>Signature of purchaser/transferee or owner</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p align="center">_____ <i>Signature of Notary</i> SEAL</p>

10(c) For Lien Assignments Only

<p align="center">_____ <i>Signature of authorized representative for previous lienholder</i></p>	<p align="center">_____ <i>Signature of authorized representative for new lender</i></p>
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Preamble for Adoption of 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”) adopts without changes amendments to 10 Texas Administrative Code, Chapter 80, §80.21 and §80.41 relating to the regulation of the manufactured housing program. The text to the adopted rules without changes will not be republished in the *Texas Register*. A non-substantive change was made in §80.25 to correct the reference location of a drawing from §80.25(k)(2) to §80.25(k)(3) and will be republished in the *Texas Register*. The proposed amendments were published in the August 17, 2012, issue of the *Texas Register* (37 TexReg 6233).

The amendments are adopted to provide clarification of procedures.

The rules relating to installation standards (§80.21 and §80.25) are effective sixty (60) days following the date of publication and all other rules are effective thirty (30) days following the date of publication with the *Texas Register* of notice that the rules are adopted.

There were no comments received during the comment period and no requests were received for a public hearing to take comments on the rules.

Except as noted below, the rules as proposed on August 17, 2012, are adopted as final rules with the following non-substantive changes.

The following is a restatement of the rules’ factual basis:

Section 80.21(j) **is adopted (without changes)** to add the electrical testing requirement that was previously in §80.25 because the requirement is only for new manufactured homes.

Section 80.25(j)(5) **is adopted (without changes)** to remove the electrical testing requirement from the generic standards because the requirement is only for new manufactured homes.

Figure: 10 TAC §80.25(j)(5) **is adopted (without changes)** to move from §80.25(j)(6). There is no change to the drawing and table.

Section 80.25(j)(6) **is adopted (without changes)** to re-number paragraph to (5).

Figure: 10 TAC §80.25(k)(2) **is adopted (with changes)** to move drawing to §80.25(k)(3). There is no change to the drawing and table.

Figure: 10 TAC §80.25(k)(3) **is adopted (with changes)** to move drawing from §80.25(k)(2). There is no change to the drawing and table.

Section 80.41(d) **is adopted (without changes)** to clarify the curriculum for the continuing education program.

The amended rules are adopted under Section 1201.052 of the Texas Occupations Code, which provides the Director with authority to amend, add, and repeal rules governing the Manufactured

Housing Division of the Department and Section 1201.053 of the Texas Occupations Code, 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.

No other statutes, codes, or articles are affected by adoption of the amended rules.

The agency hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Adoption of Manufactured Housing Rules

§80.21. Requirements for the Installation of Manufactured Homes.

(a) – (i) (No change.)

(j) Electrical testing. At the time of installation, the following tests must be performed on all new manufactured homes:

(1) All site installed or shipped loose fixtures shall be subjected to a polarity test to determine that the connections have been properly made;

(2) All grounding and bonding conductors installed or connected during the home installation shall be tested for continuity; and

(3) All electrical lights, equipment, ground fault circuit interrupters and appliances shall be subjected to an operational test to demonstrate that all equipment is connected and functioning properly.

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

(a) – (i) (No change.)

(j) Electrical Connections: Depending on the model and/or manufacturer of the home, electrical crossovers may be located in either the front end and/or rear end of the home. Check along mating line for other labeled access panels.

(1) – (4) (No change.)

~~(5) Electrical testing: At the time of installation, the following tests must be performed:~~

~~(A) All site installed or shipped loose fixtures shall be subjected to a polarity test to determine that the connections have been properly made.~~

~~(B) All grounding and bonding conductors installed or connected during the home installation shall be tested for continuity, and~~

~~(C) All electrical lights, equipment, ground fault circuit interrupters and appliances shall be subjected to an operational test to demonstrate that all equipment is connected and functioning properly.~~

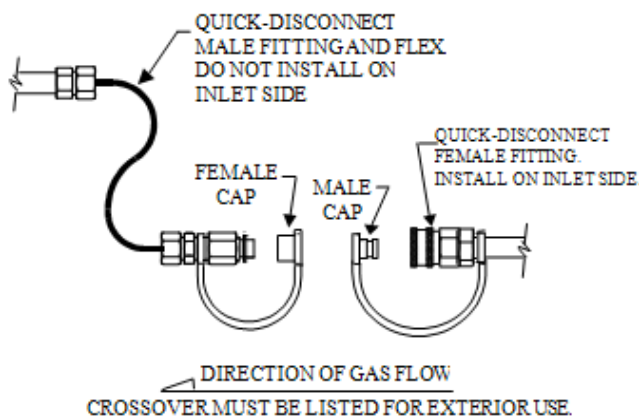
(5)(6) Main panel box feeder connection: The main panel box is wired with the grounding system separated from the neutral system (4-wire feeder). The grounding bus in the panel must be connected through a properly sized green colored insulated conductor to the service entrance equipment (meter base) located on or adjacent to the home. A licensed electrician is required to run the feeder from the pole to the main panel box in the home.

(k) Fuel Gas Piping Systems:

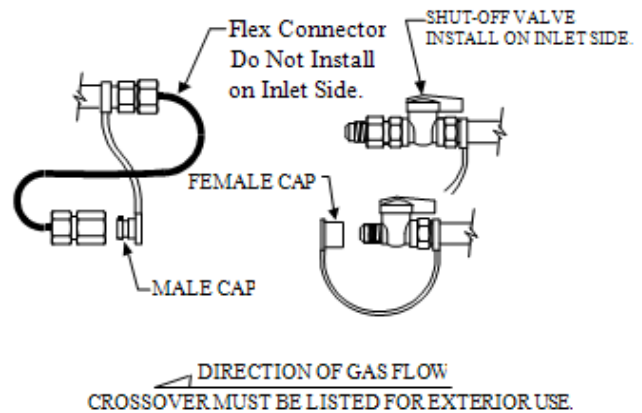
- (1) Crossover Connections: All underfloor fuel gas pipe crossover connections shall be accessible and be made with the connectors supplied by the home manufacturer, or, if not available, with flexible connectors listed for exterior use and a listed quick disconnect (Method A), or a shut-off valve (Method B). When shut-off valve is used, it must be installed on the supply side of the gas piping system. The crossover connector must have a capacity rating (BTUH) of at least the total BTUH's of all appliances it serves.
- (2) Testing: The fuel gas piping system shall be subjected to an air pressure test of no less than 6 ounces and no more than 8 ounces. While the gas piping system is pressurized with air, the appliance and crossover connections shall be tested for leakage with soapy water or bubble solution. This test is required of the person connecting the gas supply to the home, but may also be performed by the gas utility or supply company.
- (3) The gas system must be inspected and tested for leaks after completion at the site.

FUEL GAS PIPE CROSSOVER CONNECTIONS

Method A



Method B



§80.41. License Requirements.

- (a) – (c) (No change.)
- (d) Continuing Education.
 - (1) Continuing education program courses must total eight (8) hours and shall include any revisions to the Code within the preceding two years and the Department's current complaint resolution process and may also include any of the following:

- (A) A minimum of two (2) hours of continuing education addressing the law and rules with a focus on any revisions to the Code or Rules within the preceding two years. ~~installation requirements;~~
 - (B) A minimum of one (1) hour of continuing education addressing the Department's current complaint resolution process. ~~manufactured home financing;~~
 - (C) The following additional topics may be covered to satisfy the remaining credit hours needed not addressed in subparagraph (A) or (B) of this paragraph. ~~operation of manufactured home parks and communities; or~~
 - (i) installation requirements;
 - (ii) manufactured home financing;
 - (iii) operation of manufactured home parks and communities;
 - (iv) insurance requirements;
 - (v) industry best practices;
 - (vi) business ethics;
 - (vii) topical market statistics or trends; or
 - (viii) ~~(D)~~ other subjects determined by the Department to relate directly to the lawful operation of a business subject to the Code.
- (2) Acceptable evidence that the requirements of §1201.113(b) of the Standards Act have been satisfied by the license holder or their related person on record with the Department, would be a certificate, letter, or similar statement provided by the approved education provider indicating that the education program ~~course~~ was timely completed. Such evidence may be submitted by fax, mail, e-mail, or in person.
- (3) For license renewal, evidence of any required completion, with reference to license number, must be received by the Department before a license may be renewed.
- (4) Approval of courses and providers. In order to be considered for approval by the Board to provide continuing education courses, including prospective conditional courses in accordance with paragraph (5) of this subsection, a party wishing to be considered for such approval must submit, ~~for each course for which approval is sought,~~ an application, accompanied by the nonrefundable processing fee, and the following:
- (A) A narrative overview of each ~~the~~ course, describing subject matter to be covered;
 - (B) Brief biographies, including credentials of each instructor demonstrating in depth knowledge of the subject matter to be taught;
 - (C) A copy of any course materials to be used. If the course materials are deemed to be proprietary they should be placed in a separate envelope, marked confidential, and accompanied by a written

statement as to why they should not be treated as open records. There is no assurance that such materials will ultimately be accorded any exemption from disclosure under the Open Records provisions of the Government Code;

- (D) A schedule of any fees to be charged for each ~~the~~ course;
- (E) If completion of the continuing education program ~~course~~ is limited to any particular group, a description of the limitation;
- (F) As such information becomes available, an indication as to the locations, times, and dates for offerings; and
- (G) Such other information as the Department may require.

(5) Prospective continuing education programs, including all portions of education courses, must be pre-approved by the board prior to the course being held or broadcast.

~~(6)(5)~~ Once the Department determines that a request for approval is complete, that request will be placed on the next regularly scheduled meeting of the Board for consideration. The Department will provide the board with a written recommendation on each such request. The staff will advise the applicant of the board's action within ten (10) business days of the date of the board meeting, including a written statement as to any limitations, conditions, or other requirements imposed.

(A) Approvals shall be for a period not to exceed two years. The Department may, at no cost, attend or send a representative to attend any approved portion of the continuing education program ~~course~~ to determine that the courses are ~~course is~~ being taught in accordance with the terms of approval.

(B) The Department may revoke or suspend approval of a continuing education program ~~course~~ if the Department determines that any of the courses are ~~course is~~ not being taught in accordance with the terms of approval or that any of the courses are ~~course is~~ not being administered in accordance with the law or these rules. Any action to revoke or suspend such an approval is a contested matter under Chapter 2001, Government Code, and the party against whom revocation or suspension is sought may make a written request for a hearing before an Administrative Law Judge. If no such hearing is requested within thirty (30) calendar days after receipt of notice from the Department, the Department order of suspension or revocation shall become final.

(e) – (f) (No change.)