By: Ralph J. Frost H.B. No. 2591

A BILL TO BE ENTITLED

AN ACT

relating to the habitability of used manufactured homes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1201.452(b), Occupations Code, is amended to read as follows:

(b) If the home does not have the appropriate seal or label, the person must:

(1) apply to the department for a seal; [~~and~~]

(2) pay the fee; and

(3) submit to the department a copy of any written disclosure required by Section 1201.455(a).

SECTION 2. Section 1201.453, Occupations Code, is amended to read as follows:

Sec. 1201.453. HABITABILITY. Manufactured housing is habitable only if:

(1) there is no defect or deterioration in or damage to the home that would materially affect the health or safety of an occupant [~~creates a dangerous situation~~];

(2) the plumbing, heating, and electrical systems are in safe working order;

(3) the walls, floor, and roof are:

(A) free from an [~~a substantial~~] opening that was not designed; and

(B) structurally sound; [~~and~~]

(4) all exterior doors and windows are in place and in safe working order; and

(5) the home complies with any other habitability standards provided by department rule.

SECTION 3. Section 1201.455, Occupations Code, is amended to read as follows:

Sec. 1201.455. WARRANTY OF HABITABILITY REQUIRED. (a) Except as otherwise provided by this subchapter, a person may not sell, exchange, or lease-purchase a used manufactured home to a consumer for use as a dwelling without providing a written warranty that the home is habitable and, in a form prescribed by department rule, a written disclosure describing the specific conditions of the home and of any appliances that are included in the home.

(b) Unless, not later than the 120th [~~60th~~] day after the date of the sale, exchange, or lease-purchase agreement or the 90th day after installation is completed, whichever date is later, the consumer notifies the seller in writing of a defect that makes the home not habitable, any obligation or liability of the seller under this subchapter is terminated. The warranty must conspicuously disclose that notice requirement to the consumer.

(c) If negotiations related to the execution of a sale, exchange, or lease-purchase agreement are conducted primarily in a language other than English, the warranty and written disclosure must be provided to the consumer in the language in which the negotiations are conducted.

SECTION 4. (a) This Act applies only to the sale, exchange, or lease-purchase of a used manufactured home on or after the

effective date of this Act. A sale, exchange, or lease-purchase of a used manufactured home before the effective date of this Act is governed by the law in effect on the date of the sale, exchange, or lease-purchase, and the former law is continued in effect for that purpose.

(b) Not later than November 1, 2005, the Texas Department of Housing and Community Affairs shall prepare and make available the disclosure forms required by Section 1201.455(a), Occupations Code, as amended by this Act.

SECTION 5. This Act takes effect September 1, 2005.

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MAR 10 2005 Filed with the Chief Clerk

MAR 16 2005 Read first time and referred to Committee on State Affairs

_____ Reported ____favorably (as amended)
(as substituted)

_____ Sent to Committee on (Calendars)
(Local & Consent Calendars)

_____ Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of _____ yeas, _____ nays, _____ present, not voting

_____ Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Engrossed

_____ Sent to Senate

_____
CHIEF CLERK OF THE HOUSE

OTHER HOUSE ACTION:

_____ Received from the House

_____ Read and referred to Committee on _____

_____ Reported favorably _____

_____ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

_____ Ordered not printed

_____ Laid before the Senate

_____ Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(_____ yeas, _____ nays)

_____ Read second time, _____, and passed to third reading by (unanimous consent)
(a viva voce vote)
(_____ yeas, _____ nays)

_____ Senate and Constitutional 3 Day Rules suspended by a vote of _____ yeas, _____ nays

_____ Read third time, _____, and passed by a (viva voce vote)
(_____ yeas, _____ nays)

_____ Returned to the House

_____
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

_____ Returned from the Senate (as substituted)
(with amendments)

_____ House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House refused to concur in Senate amendments and requested the appointment of a conference committee by a (non-record vote) (record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ House conferees appointed: _____, Chair; _____,

_____, _____, _____

_____ Senate granted House request. Senate conferees appointed: _____, Chair;

_____, _____, _____, _____

_____ Conference committee report adopted (rejected) by the House by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

_____ Conference committee report adopted (rejected) by the Senate by a (viva voce vote)
(record vote of _____ yeas, _____ nays)