

BILL ANALYSIS

C.S.H.B. 1852
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that some manufactured home communities existed before any applicable municipal zoning or were located in areas originally outside a municipality's jurisdiction and that certain portions of land in those communities are considered a nonconforming use by a municipality. The parties contend that some municipalities interpret municipal ordinances in a manner that would disincentivize residents in those communities from updating or replacing their homes. C.S.H.B. 1852 seeks to preserve existing manufactured home communities and the property rights of property owners in those communities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1852 amends the Local Government Code to prohibit the governing body of a municipality from requiring a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if the nonconforming use of the land constituting the manufactured home community is authorized by law and if at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence. The bill specifies that requiring a change in the nonconforming use includes requiring the number of manufactured home lots designated as a nonconforming use to be decreased and declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

C.S.H.B. 1852 authorizes a manufactured home owner to install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with nonconforming land use standards applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law and comply with all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance. The bill authorizes a municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain to prohibit the installation of a manufactured home in a manufactured home community on a manufactured

home lot that is located in an equivalently designated floodplain.

C.S.H.B. 1852 prohibits the governing body of a municipality from regulating a tract or parcel of land as a manufactured home community, park, or subdivision unless the tract or parcel contains at least four spaces offered for lease for installing and occupying manufactured homes.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1852 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any portion of land within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community:

(A) is authorized by law; or

(B) is not authorized by law on September 1, 2017, but the municipality has taken no action to enforce the violation of the applicable municipal regulations before September 1, 2017; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the amount of land

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018 to read as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section, "manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section 94.001, Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community is authorized by law;

and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the number of

designated as a nonconforming use to be decreased;

(2) imposing an expiration on the nonconforming use designation;

(3) declaring that the nonconforming use of the land has been abandoned; and

(4) requiring an amortization period for the nonconforming use of the land.

(d) For purposes of Subsection (b)(2), any period during which a manufactured home used as a residence is removed from a manufactured home lot for repair of the home or replacement of the home by another manufactured home used as a residence is included in the period during which the manufactured home lot is considered occupied by the manufactured home.

(e) A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located on land in a manufactured home community and for which a nonconforming use is authorized by law or has been otherwise allowed under Subsection (b)(1)(B).

provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:

(1) nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on:

(A) for an authorized nonconforming use, the date the nonconforming use of the land constituting the manufactured home community was authorized by law; or

(B) for a nonconforming use under Subsection (b)(1)(B), September 1, 2017; and

(2) all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.

manufactured home lots designated as a nonconforming use to be decreased; and

(2) declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

(d) A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law,

provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:

(1) nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and

(2) all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.

(e) A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family

residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d), prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.

SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.