

BILL ANALYSIS

Senate Research Center

H.B. 468
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Engrossed

DIGEST AND PURPOSE

Tax assessor-collectors sometimes have difficulty collecting delinquent property taxes on manufactured homes because of the mobility of these homes. Sales of manufactured homes frequently take place between individuals without going through a title company; therefore a purchaser may move the home freely with no knowledge of any additional tax burden incurred. Collecting current year taxes from the previous owner who owes taxes can be difficult because the owner's location is unknown. H.B. 468 requires the chief appraiser to determine that no unpaid ad valorem taxes have been reported on a manufactured home due to any taxing unit before a permit for moving the manufactured home is issued and eliminates the procedure of filing and releasing liens.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 19(d), Texas Manufactured Housing Standards Act (Article 5221f, V.T.C.S.), to prohibit the Texas Department of Housing and Community Affairs (department) from refusing to issue a document of title, or suspending or revoking a document of title, unless one of certain conditions are met, including a local tax lien having been filed before September 1, 2001, and recorded under Section 32.015, Tax Code, as that section existed on the date the lien was filed, and that lien has not been extinguished.

SECTION 2. Amends Section 32.015, Tax Code, as follows:

Sec. 32.015. New heading: TAX LIEN ON MANUFACTURED HOME. Deletes text regarding a taxing unit's tax lien. Requires the collector for a taxing unit, on payment of the taxes, penalties, and interest for a year for which a valid tax lien filed before September 1, 2001, has been recorded on the title records of the department, to issue a tax certificate showing no taxes due or a tax paid receipt for such year to the person making payment. Deletes text regarding a tax lien timely filed on a manufactured home. Deletes definitions of "label" and "seal."

SECTION 3. Amends Section 32.03, Tax Code, by amending Subsection (b) and adding Subsections (c)-(i), as follows:

(b) Provides that a bona fide purchaser for value or the holder of a lien recorded on the manufactured home document of title is not required to pay any taxes imposed in a tax year that begins before January 1, 2001, or penalties or interest on those taxes except for each year, rather than those years, for which a valid tax lien was duly filed and recorded under Section 32.015, as that section existed on the date the lien was filed, and each year for which the owner of the manufactured home had constructive notice of the taxes under Section 32.015(e), as that section existed before September 1, 2001. Provides that the effect and priority of a tax lien

that attaches to secure the payment of taxes imposed on a manufactured home in a tax year that begins on or after January 1, 2001, are those established by Sections 32.01 and 32.05. Redefines “manufactured home.” Makes conforming changes.

(c) Provides that a bona fide purchaser for value or the holder of a lien recorded on a manufactured home document of title is not required to pay any taxes imposed on the manufactured home in a tax year that begins on or after January 1, 2001, or penalties or interest on those taxes, if the chief appraiser of the appraisal district established for the county in which the manufactured home is located, in connection with an application for a permit to transport the manufactured home under Section 623(d), Transportation Code, has issued a written statement that no unpaid taxes have been reported on the manufactured home due any taxing unit for which the appraisal district appraises property.

(d) Requires a chief appraiser, on request of any person, to issue a written statement as to whether the chief appraiser has received notice of any taxes on a manufacturing home located in the appraisal district due any taxing unit for which the appraisal district appraises property. Requires a request for the issuance of a statement by the chief appraiser under this section to meet certain criteria.

(e) Requires the chief appraiser, on receipt of a request under Subsection (d), to send to the collector for each taxing unit in which the manufactured home is located a request for information whether any taxes on the manufactured home are due that taxing unit. Requires the chief appraiser to specify the date by which the collector must respond to the chief appraiser.

(f) Requires the chief appraiser, not later than the fifth business day after the date the chief appraiser receives a request for a statement under Subsection (d), to issue the statement described by Subsection (d). Authorizes a chief appraiser, in issuing the statement, to rely on a tax certificate, a written statement by the collector, a tax bill, or a reproduction of a tax bill provided by the collector for a taxing unit.

(g) Requires the chief appraiser, if the appraiser receives the appropriate information from the collector for a taxing unit indicating that there are unpaid taxes due that taxing unit on the manufactured home, to include certain information in the statement issued under Subsection (d). Provides that if the chief appraiser does not receive information from the collector for any taxing unit to which the chief appraiser sent a request under subsection (e) before the chief appraiser issues the statement required by Subsection (d), the chief appraiser is required to state in the written statement that the chief appraiser has not received notice of any taxes on the manufactured home due the taxing units for which the appraisal district appraises property.

(h) Authorizes a chief appraiser, in order to cover the costs to the appraisal district associated with the issuance of written statements under this section, to charge the person requesting a statement a fee not to exceed \$10 for each statement requested.

(i) Authorizes a chief appraiser and a county assessor-collector to enter into a contract that authorizes the assessor-collector to issue written statements requested under this section. Provides that if a chief appraiser and a county assessor-collector enter into such a contract, a reference in this section to the chief appraiser means the county assessor-collector.

SECTION 4. Amends Sections 623.093(d), (e), and (f), Transportation Code, as follows:

(d) Defines “consumer,” “manufacturer,” and “retailer.” Provides that if the application is for a permit to transport a manufactured house from a location other than the location of the manufacturer or from the location of the retailer of the manufactured house pursuant to the original sale, exchange, or lease-purchase of the manufactured house to a consumer, the application for a permit must be accompanied by a written statement from the chief appraiser of

the appraisal district established for the county in which the manufactured house is located that states that no unpaid ad valorem taxes have been reported on the manufactured house due any taxing unit for which the appraisal district appraises property. Provides that if the manufactured house is not listed on the most recent appraisal roll of the appraisal district established for the county in which the manufactured house is located, the application for the permit must be accompanied by certain information. Deletes text regarding the relocation of a manufactured home and a permit showing additional information.

(e) Redesignated from Subsection (f) with no changes.

(f) Provides that if an application for a permit to move a manufactured house is accompanied by a copy of a writ of possession issued by a court of competent jurisdiction, the applicant is not required to submit the written statement from the chief appraiser set forth in Subsection (d).

SECTION 5. Amends Section 623.104, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Adds an exception.

(b) Provides that if an offense involves the movement of a manufactured house over a highway, road, or street in this state without a permit issued by the department, the offense is a misdemeanor punishable by a fine of \$500.

SECTION 6. (a) Effective date: September 1, 2001.

(b) Makes application of the changes in law made by this Act to Section 623.093, Transportation Code, prospective.

(c) Makes application of the changes in law made by this Act to Section 623.104, Transportation Code, prospective.