

BILL ANALYSIS

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C.S.S.B. 1248
By: Buckingham
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Manufactured home communities exist within the zoning jurisdictions of many municipalities. Some manufactured home communities existed prior to the current municipal zoning or are located in areas that were originally outside of a city but have since been annexed. In cases where zoning has changed to something other than allowing for a manufactured home community, the existing manufactured home communities are considered a nonconforming use by a municipality. Typically, they are granted a zoning variance to continue operating the community as it was prior to the zoning change.

However, concerned parties have noted that in certain instances cities interpret or have indicated they would interpret their local nonconforming use and abandonment ordinances in a manner that if existing manufactured homes are removed, replacement manufactured homes would not be allowed. A disincentive is created to update the homes in a community with newer homes. Instead, community owners must keep older homes they would otherwise replace out of fear of losing lot leasing revenue if a replacement home is not allowed.

Municipalities have also required that any manufactured homes being replaced comply with current lot setback requirements for the manufactured home communities, rather than the original setbacks established when the community first came into existence. Some of these setbacks are arbitrarily large and much larger than other single family site-built setback requirements in the same city. Concerned parties contend that if replacement homes are brought in to the much larger setbacks, there is a dramatic reduction in number of viable lots in a manufactured home community, resulting in a significant loss in lot lease rental revenue.

S.B. 1248 prohibits cities from reducing the nonconforming use allowance for existing manufactured homes and ensures the community owners' property and investment rights to allow for homes to be repaired and replaced. S.B. 1248 also preserves the lot setback requirements of the manufactured home community as they were when the community was first authorized by law or allowed.

S.B. 1248 clarifies what constitutes a manufactured home and manufactured home community that a municipality can regulate by specifying that the land must offer at least four lots for lease to manufactured home owners. This ensures that family-owned land with multiple family members occupying various areas of the land that is not offered for lease would not be considered a manufactured home community that a municipality could regulate.

The purpose of S.B. 1248 is to protect the property rights of manufactured home community owners and their tenants by preventing cities from adopting discriminatory policies aimed at eliminating all or portions of the community's nonconforming use variance. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1248 amends current law relating to municipal regulation of manufactured home communities.

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 Subchapter A, Chapter 211, Local Government Code, by adding Section 211.018, as follows:

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) Defines "manufactured home," "manufactured home community," and "manufactured home lot."

(b) Prohibits 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 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) Provides that for purposes of Subsection (b), 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.

(d) 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:

(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) 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, notwithstanding Subsection (b), (c), or (d), 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.

SECTION 2. Amends Subchapter Z, Chapter 214, Local Government Code, by adding Section 214.906, as follows:

Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES. (a) Defines "manufactured home."

(b) Prohibits the governing body of a municipality, notwithstanding any other law, 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.

SECTION 3. Effective date: September 1, 2017.