

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

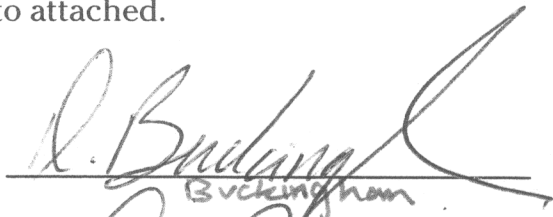
5/26/2017  
Date

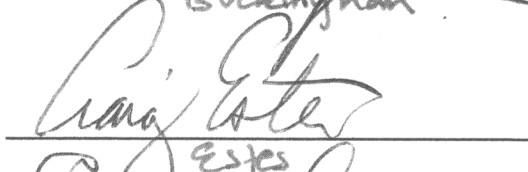
Honorable Dan Patrick  
President of the Senate

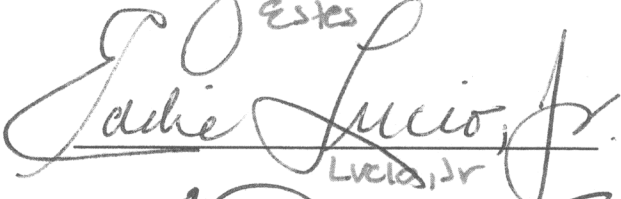
Honorable Joe Straus  
Speaker of the House of Representatives

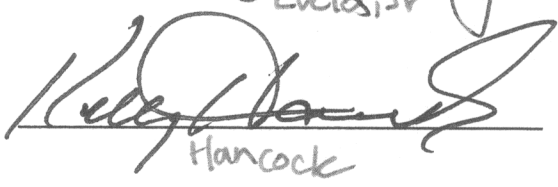
Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 1248 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

  
Brinkley

  
Estes

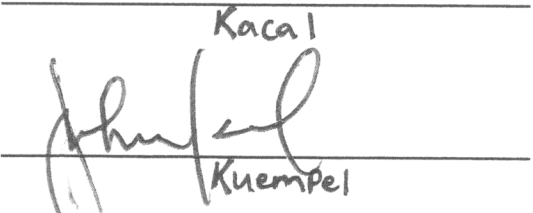
  
Lucio, Jr.

  
Hancock

On the part of the Senate

  
Lucio

  
Guillen

  
Kuempel

  
Roberts

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 1248

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of manufactured home communities.

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

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 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

1 continuous abandonment of use as a manufactured home lot of any lot  
2 for less than 12 months.

3 (d) A manufactured home owner may install a new or used  
4 manufactured home, regardless of the size, or any appurtenance on a  
5 manufactured home lot located in a manufactured home community for  
6 which a nonconforming use is authorized by law, provided that the  
7 manufactured home or appurtenance and the installation of the  
8 manufactured home or appurtenance comply with:

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

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

17 (e) A municipality that prohibits the construction of new  
18 single-family residences or the construction of additions to  
19 existing single-family residences on a site located in a designated  
20 floodplain may, notwithstanding Subsection (b), (c), or (d),  
21 prohibit the installation of a manufactured home in a manufactured  
22 home community on a manufactured home lot that is located in an  
23 equivalently designated floodplain.

24 SECTION 2. Subchapter Z, Chapter 214, Local Government  
25 Code, is amended by adding Section 214.906 to read as follows:

26 Sec. 214.906. REGULATION OF MANUFACTURED HOME COMMUNITIES.

27 (a) "Manufactured home" has the meaning assigned by Section

1 1201.003, Occupations Code.

2       (b) Notwithstanding any other law, the governing body of a  
3 municipality may not regulate a tract or parcel of land as a  
4 manufactured home community, park, or subdivision unless the tract  
5 or parcel contains at least four spaces offered for lease for  
6 installing and occupying manufactured homes.

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

Senate Bill 1248  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.018, CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES.	SECTION 1. Same as Senate version except adds the following:  <u>( ) This section does not apply to or in a municipality wholly or partly located in a county that has a population of more than 1.8 million and is adjacent to a county with a population of more than 2.2 million.</u> [FA1(1)]	SECTION 1. Same as Senate version.
SECTION 2. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906, REGULATION OF MANUFACTURED HOME COMMUNITIES.	SECTION 2. Same as Senate version except adds the following:  <u>( ) This section does not apply to a municipality wholly or partly located in a county that has a population of more than 1.8 million and is adjacent to a county with a population of more than 2.2 million.</u> [FA1(2)]	SECTION 2. Same as Senate version.
SECTION 3. Effective date.	SECTION 3. Same as Senate version.	SECTION 3. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**May 27, 2017**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: SB1248** by Buckingham (Relating to municipal regulation of manufactured home communities. ), **Conference Committee Report**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Local Government Code to add a restriction on the ability of municipalities to regulate land use. Municipalities may not require a change in the nonconforming use of a manufactured home lot in a manufactured home community under certain circumstances. Specifies certain categories of municipal regulation as requiring changes to nonconforming use. Allows manufactured homes in these communities to be replaced under certain circumstances. Specifies that a municipality may not regulate a tract or parcel of land as a manufactured home community unless it contains at least four spaces offered for lease for installing and occupying manufactured homes.

According to the Department of Housing and Community Affairs, any additional work resulting from the passage of the bill could be reasonably absorbed within current resources.

This bill would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League, this bill would have no significant fiscal impact to local government.

**Source Agencies:** 332 Department of Housing and Community Affairs

**LBB Staff:** UP, SZ, CL, GG, GP, EK

**Certification of Compliance with**  
**Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order under Rule 13.

I certify that a copy of the conference committee report on SB 1248, was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

  
(name)

5/27/17  
(date)

17R337(3)