



Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting
June 18, 2008

Michael H. Bray, Chair

Carlos Amaral, Member

Pablo Schneider, Member

Kimberly A. Shambley, Member

**Texas Department of Housing and Community Affairs
Manufactured Housing Board Meeting**

June 18, 2008

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Michael H. Bray, Chair	_____	_____
Carlos Amaral, Member	_____	_____
Pablo Schneider, Member	_____	_____
Kimberly A. Shambley, Member	_____	_____
Number Present	_____	
Number Absent		_____

_____, Presiding Officer

MANUFACTURED HOUSING BOARD MEETING
TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
State Insurance Annex, 221 E. 11th Street, Room 116
Austin, Texas 78701
June 18, 2008 2:00 p.m.

AGENDA

CALL TO ORDER, ROLL CALL Chair

CERTIFICATION OF QUORUM Chair

The Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs (TDHCA) will meet to consider and possibly act upon:

ACTION ITEMS

- Item 1. Consideration and possible action to approve the minutes of the board meeting of March 26, 2008. Chair
- Item 2. Report of the Finance and Audit Committee, presentation, discussion and consideration to approve the following: Carlos Amaral
- (a) FY 2009 Operating Budget.
 - (b) Execution of amendment to the Administrative Services Agreement for FY 2009 between the Manufactured Housing Division and TDHCA.
 - (c) FY 2010 - 2011 Legislative Appropriations Request.
- Item 3. Consideration and possible action to approve the proposed amendments to 10 TAC, Chapter 80, §§80.3, 80.90, 80.93, and 80.100 for publication as adopted in the Texas Register. Joe Garcia
- Item 4. Consideration and possible action to approve proposed amendments to 10 TAC, Chapter 80, §80.100 for publication in the Texas Register for public comment. Joe Garcia
- Item 5. Presentation, discussion and action concerning the State Office of Administrative Hearings (SOAH) Proposal for Decision: Amanda Ellis
- In the Matter of the Complaint of TDHCA vs. Shawn Fuller d/b/a Mobile Home Center, Docket Number: 332-08-1444.

REPORT ITEMS

1. Executive Director's Report Joe Garcia

PUBLIC COMMENT Chair

EXECUTIVE SESSION Chair

Note: The Board may go into executive session (close its meeting to the public) on any agenda item if appropriate and authorized by the Open Meetings Act, Texas Government Code, Chapter 551.

- (a) If necessary, the Board will go into executive session to discuss Personnel Matters relating to the employment of the General Counsel and Director of Licensing and Enforcement for the Manufactured Housing Division pursuant to Sec. 551.074, Texas Government Code.
- (b) If necessary, the Board will go into executive session for Consultation with Attorney pursuant to Sec. 551.071, Texas Government Code.

RECONVENE Chair

Reconvene in public session and take action on any matters coming out of Executive Session.

ADJOURN Chair

To access this agenda or request information, please visit our website at www.tdhca.state.tx.us or contact Sharon Choate, TDHCA, 221 E. 11th Street, Austin, Texas 78701, 512-475-2206, sharon.choate@tdhca.state.tx.us.

Individuals who require auxiliary aids, services or translators for this meeting should contact Gina Esteves, ADA Responsible Employee, at 512-475-3943 or Relay Texas at 1-800-735-2989 at least two days before the meeting so that appropriate arrangements can be made.

Agenda Action Item No. 1

**MINUTES OF THE REGULAR MEETING OF THE
MANUFACTURED HOUSING BOARD**

On Wednesday, March 26, 2008, at 10:00 a.m., there was a regular meeting of the Manufactured Housing Board (the "Board") in Room 116 of the State Insurance Annex Building, 221 East 11th Street, Austin, Texas. Michael Bray presided. Carlos Amaral, and, Pablo Schneider constituting a quorum, were in attendance. Kimberly Shambley was absent. The following Manufactured Housing Division (the "MHD") staff were present: Joe Garcia, Kassu Asfaw, Cindy Bocz, Jim Hicks, Kristina Loera, and Sharon Choate. From the Texas Department of Housing and Community Affairs (other than the MHD) Elena Peinado was present and from the Office of Attorney General Amanda Ellis was present.

Michael Bray called the roll, confirmed the presence of a quorum, and asked for a motion to approve the minutes from the board meeting on January 18, 2008. Upon motion of Carlos Amaral, duly seconded by Michael Bray, the minutes of the previous meeting were unanimously approved.

The Board discussed allowing other instruction providers to offer the Licensing Education Course. Carlos Amaral made a motion to revise language in the rules to consider allowing other instruction providers to administer the 20-hour educational course. It was duly seconded by Pablo Schneider and unanimously approved.

The Board discussed posting of a General Counsel position for the Manufactured Housing Division and went into a closed session to discuss it further with counsel. Upon motion of Carlos Amaral, duly seconded by Pablo Schneider, it was unanimously approved to post the position as the General Counsel and Director of Enforcement for the Manufactured Housing Division.

Jim Hicks presented a recommendation to stop accepting bonds from Washington International Insurance Company. Upon motion of Carlos Amaral, duly seconded by Pablo Schneider, the motion was unanimously approved.

Jim Hicks presented and recommended accepting the State Office of Administrative Hearings Proposal for Decision and the Division's final order in the matter of the Complaint of TDHCA vs. DJ Birdsell, Inc. dba Factory Direct Homes, Docket Number: 332-06-2936. Upon motion to accept with corrections to the final order by Carlos Amaral, duly seconded by Pablo Schneider, the motion was unanimously approved.

Joe Garcia presented a recommendation to approve the proposed amendments to 10 TAC, Chapter 80, §§80.3, 80.90, 80.93, and 80.100 for publication in the Texas Register for public comment. Upon motion by Pablo Schneider, duly seconded by Michael Bray, the motion was unanimously approved.

Joe Garcia delivered the Executive Director's Report.

At 11:31 a.m., the Board went into Executive Session to discuss personnel matters relating to the posting of a General Counsel position pursuant to Sec. 551.074, Texas Government Code.

At 11:59 a.m., the board reconvened in open session. Pablo Schneider made a motion to approve posting of a General Counsel position and Carlos Amaral duly seconded it, the motion was unanimously approved.

The next board meeting was tentatively set for Wednesday, June 18, 2008.

There being no further business to come before the board, the meeting was adjourned at 12:03 p.m.

Sharon Choate, Secretary

Approved:

Michael Bray, Presiding Chair

Agenda Action Item No. 2(a)

**Texas Department of Housing and Community Affairs
Historical Budget Analysis
Manufactured Housing Division
For FY 2009 and 2008**

D R A F T

Budget Categories	FY 09 Budget (a)	FY 08 Budget (b)	Variance (a-b)	Percentage Change
Salaries and Wages	\$ 3,278,066	\$ 3,121,363	\$ 156,703	5.0%
2 % Salaries Increase For FY '09 & '08	65,561	62,428		0.0%
Payroll Related Costs	936,216	891,461		0.0%
Travel In-State	200,000	200,000	0	0.0%
Travel Out-of State	0	0	0	0.0%
Home Owner Consumer Claims (Rider # 13)	300,000	300,000	0	0.0%
Professional Fees	209,000	209,000	0	0.0%
Materials and Supplies	146,790	146,790	0	0.0%
Repairs/Maintenance	55,000	55,000	0	0.0%
Printing and Reproduction	56,000	56,000	0	0.0%
Rental/Lease	55,000	43,000	12,000	27.9%
Membership Dues	802	802	0	0.0%
Registration Fees	36,978	36,978	0	0.0%
Texas Online	19,120	19,120	0	0.0%
Professional Liability Insurance	10,000	10,000	0	0.0%
Employee Tuition	0	0	0	0.0%
Advertising	250	250	0	0.0%
Freight/Delivery	1,500	1,500	0	0.0%
Temporary Help	100,000	100,000	0	0.0%
Furniture/Equipment	12,150	16,500	-4,350	-26.4%
Communications/Utilities	107,000	107,000	0	0.0%
Capital Outlay	32,566	40,625	-8,059	-19.8%
State Office of Risk Management	10,000	10,000	0	0.0%
Subtotal	5,631,999	5,427,817	156,294	2.9%
Indirect Support	498,552	498,552	-	0.0%
Total Manufactured Housing *	\$ 6,130,551	\$ 5,926,369	\$ 204,182	3.4%
FTE's	64	64	-	0%
Method of Finance:				
General Revenue	19,120	19,120	-	0.0%
Appropriated Receipts	5,811,431	5,607,249	204,182	3.6%
Federal Funds	300,000	300,000	-	0.0%
Total Method of Finance	\$ 6,130,551	\$ 5,926,369	\$ 204,182	3.4%

*** NOTE: Breakdowns of the total budget:**

1. \$ 4,630,222 - Total Direct Strategies Appropriations to MHD
2. \$ 65,561 - An additional direct appropriation request due to 2% salary increase, per 80th Legislature
3. \$ 936,216 - Payroll related costs - an indirect appropriation, which is a state-wide allocation by the Comptroller; it's included here for assessment or information purposes
4. \$ 498,552 - Administrative Support costs - an indirect appropriation, which is the service contract fees with the TDHCA; it's included here for assessment or information purposes

Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Operating Budget Allocation to Direct Strategies
 For FY 2009

Description	Expenditures	E.1.1. SOL & Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 3,278,066	\$ 1,154,446	\$ 1,136,036	\$ 987,584	\$ -	\$ 3,278,066
2 % Salaries Increase	65,561	23,089	22,721	19,752	-	65,561
Payroll Related Costs	936,216	329,710	324,452	282,054	-	936,216
Travel In-State	200,000	7,000	135,100	57,900	-	200,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0	0	300,000	-	300,000
Professional Fees	209,000	125,400	43,890	39,710	-	209,000
Materials and Supplies	146,790	87,982	29,175	29,633	-	146,790
Repairs/Maintenance	55,000	20,900	19,250	14,850	-	55,000
Printing and Reproduction	56,000	39,000	56,000	15,000	-	56,000
Rental/Lease	55,000	12,000	34,240	8,760	-	55,000
Membership Dues	802	442	160	200	-	802
Registration Fees	36,978	18,378	9,730	8,870	-	36,978
Texas Online	19,120	0	0	0	19,120	19,120
Professional Liability Insurance	10,000	2,040	5,000	2,960	-	10,000
Employee Tuition	0	0	0	0	-	0
Advertising	250	100	100	50	-	250
Freight/Delivery	1,500	950	500	50	-	1,500
Temporary Help	100,000	97,500	0	2,500	-	100,000
Furniture/Equipment	12,150	8,000	2,800	1,350	-	12,150
Communications/Utilities	107,000	48,893	56,500	1,607	-	107,000
Capital Outlay	32,566	8,388	7,042	17,136	-	32,566
State Office of Risk Management	10,000	3,800	3,500	2,700	-	10,000
\$	5,631,999	1,988,018	1,832,196	1,792,666	19,120	5,631,999

FTE's 64 29.66 18.47 15.87 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total
Strategy One	1,988,018	0	1,988,018	1,988,018
Strategy Two	1,832,196	0	100,000	1,832,196
Strategy Three	1,792,666	0	200,000	1,792,666
Strategy Four	19,120	19,120	0	19,120
\$	5,631,999	19,120	300,000	5,631,999

Indirect Support:

	F.1.1.	F.1.2.	F.1.3.	Total
Financial Administration	190,160	190,160		190,160
Information Resource Technologies	160,696	160,696		160,696
Operating Support	147,696		147,696	147,696
\$	498,552	190,160	147,696	498,552

Method of Finance:

Appropriated Receipts	\$ 498,552	\$ 190,160	\$ 160,696	\$ 147,696	\$ 498,552
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**Manufactured Housing Division
Revenue Summary and Projections
For FY 2009-08**

FEE TYPE	FY 2009 Projected (c)	FY 2008 Act/Est. (d)	Variance (c-d)	Percentage Change
Training	117,517	117,517	-	0.0%
SOL - Titles	4,356,201	4,356,201	-	0.0%
Licenses	1,197,209	1,197,209	-	0.0%
Inspections	1,284,011	1,284,011	-	0.0%
Admin. Penalties	34,383	34,383	-	0.0%
Public Information	4,600	4,600	-	0.0%
Reimbursement - HORTF	291,862	291,862	-	0.0%
Returned Check Charge	-	-	-	0.0%
	7,285,783	7,285,783	-	0.0%
Federal Fund	570,290	570,290		
Total	\$ 7,856,073	\$ 7,856,073	\$ -	0.0%

** Note: The assumptions for FY 2009 revenues use the actual/estimates for FY 2008 and modified historical trends.*

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Budget and Expense Status
 From September to August
 For FY 2008**

Budget Categories	Annual Budget (a)	*1 YTD Act/Est. Expenses Sep - Aug (b)	YTD Variance Sep - Aug (a-b)	Remaining Budget As of August	Remaining Budget Not Used %
Salaries and Wages	\$ 3,183,791	2,903,374	280,417	280,417	8.81%
Payroll Related Costs	891,461	834,085	57,376	57,376	6.44%
Travel In-State	200,000	200,000	0	0	0.00%
Travel Out-of State	0	0	0	0	0.00%
Home Owner Consumer Claims (Rider # 13)	300,000	288,873	11,127	11,127	3.71%
Professional Fees	209,000	208,097	903	903	0.43%
Materials and Supplies	146,790	144,404	2,386	2,386	1.63%
Repairs/Maintenance	55,000	50,251	4,749	4,749	8.63%
Printing and Reproduction	56,000	49,983	6,017	6,017	10.74%
Rental/Lease	43,000	38,347	4,653	4,653	10.82%
Membership Dues	802	510	292	292	36.41%
Registration Fees	36,978	33,552	3,426	3,426	9.26%
Texas Online	19,120	17,065	2,055	2,055	10.75%
Professional Liability Insurance	10,000	9,880	120	120	1.20%
Employee Tuition	0	0	0	0	0.00%
Advertising	250	0	250	250	100.00%
Freight/Delivery	1,500	1,424	76	76	5.07%
Temporary Help	100,000	85,325	14,675	14,675	14.68%
Furniture/Equipment	16,500	15,163	1,337	1,337	8.10%
Communications/Utilities	107,000	103,357	3,643	3,643	3.40%
Capital Outlay	40,625	40,525	100	100	0.25%
State Office of Risk Management	10,000	9,478	522	522	5.22%
Subtotal	5,427,817	5,033,693	394,124	394,124	7.26%
Indirect Support	498,552	456,813	41,739	41,739	8.37%
Total Manufactured Housing	\$ 5,926,369	\$ 5,490,506	\$ 435,863	\$ 435,863	7.35%

* 1 YTD expenses column represents actual expenditures from September to April, and projected expenditures from May to August.

Exhibit A

**Manufactured Housing
Administrative Support Schedule
Fiscal Year 2009**

Support:	FTE's	Salaries	Payroll Related Costs	Total
Executive Office	0.10	\$ 10,716	\$ 2,465	\$ 13,181
Internal Audit	0.40	24,857	5,717	30,574
Policy and Public Affairs	0.30	17,892	4,115	22,007
Human Resources	0.70	41,144	9,463	50,607
Purchasing and Facilities Management	1.10	53,559	12,318	65,877
Information Systems	2.08	130,647	30,049	160,696
Financial Administration:				
Director, Financial Administration	0.15	14,407	3,314	17,721
Payroll	0.30	18,536	4,263	22,799
Accounting Manager	0.10	8,728	2,008	10,736
Travel	0.30	15,103	3,474	18,577
Payables	0.25	15,661	3,602	19,263
Program Accountant	1.00	54,076	12,438	66,514
Total Support, Manufactured Housing	6.78	\$ 405,326	\$ 93,226	\$ 498,552

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ADMINISTRATIVE SERVICES AND COST REIMBURSEMENT

AGREEMENT AMENDMENT NO.9

SECTION 1. The **Texas Department of Housing and Community Affairs**, a public and official department of the State of Texas ("TDHCA"), and the **Manufactured Housing Division**, an independent entity within TDHCA ("MH Division") do hereby contract and agree to amend their original agreement as initially executed by the Executive Director of TDHCA effective September 1, 2001 through August 31, 2009 for the performance of administrative services.

SECTION 2. The parties hereto agree to amend the agreement identified in Section 1 above so that Exhibit A is revised hereafter to read as given in Exhibit A to this amendment.

SECTION 3. The parties hereto agree that this amendment shall become effective on September 1, 2008.

SECTION 4. The parties hereto agree that all of the terms of the agreement identified in Section 1 above shall remain in effect and shall continue to govern except to the extent that they conflict with the terms of this amendment.

SECTION 5. By the signing of this amendment, the parties hereto expressly understand and agree that this amendment shall become a part of the agreement identified in Section 1 above as though it were set forth word for word herein.

WITNESS OUR HANDS EFFECTIVE SEPTEMBER 1, 2008.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

By: _____
Michael G. Gerber
Executive Director

MANUFACTURED HOUSING DIVISION

By: _____
Joe A. Garcia
Executive Director

DRAFT

ADMINISTRATIVE SERVICES AGREEMENT AND COST REIMBURSEMENT AGREEMENT

Exhibit A

Manufactured Housing
Administrative Support Schedule
Fiscal Year 2009

	FTEs	Salaries	Payroll Related Costs	Total
Support:				
Executive Office	0.10	\$ 10,716	\$ 2,465	\$ 13,181
Internal Audit	0.40	24,857	5,717	30,574
Policy and Public Affairs	0.30	17,892	4,115	22,007
Human Resources	0.70	41,144	9,463	50,607
Purchasing and Facilities Management	1.10	53,559	12,318	65,877
Information Systems	2.08	130,647	30,049	160,696
Financial Administration:				
Director, Financial Administration	0.15	14,407	3,314	17,721
Payroll	0.30	18,536	4,263	22,799
Accounting Manager	0.10	8,728	2,008	10,736
Travel	0.30	15,103	3,474	18,577
Payables	0.25	15,661	3,602	19,263
Program Accountant	1.00	54,076	12,438	66,514
Total Support, Manufactured Housing	6.78	\$ 405,326	\$ 93,226	\$ 498,552

Agenda Action Item No. 2(c)

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Legislative Appropriations Request
 For FY 2010 and 2011**

D R A F T

Budget Categories	FY 10 Budget (a)	FY 11 Budget (b)	Variance (b-a)	Percentage Change
Salaries and Wages	\$ 3,419,065	\$ 3,590,018	\$ 170,953	5.0%
Travel In-State	200,000	200,000	0	0.0%
Travel Out-of State	0	0	0	0.0%
Home Owner Consumer Claims (Rider # 13)	300,000	300,000	0	0.0%
Professional Fees	44,000	44,000	0	0.0%
Materials and Supplies	120,000	120,000	0	0.0%
Repairs/Maintenance	88,692	88,692	0	0.0%
Printing and Reproduction	49,000	49,000	0	0.0%
Rental/Lease	67,000	67,000	0	0.0%
Membership Dues	1,000	1,000	0	0.0%
Registration Fees	33,400	33,400	0	0.0%
Texas Online	19,120	19,120	0	0.0%
Professional Liability Insurance	10,000	10,000	0	0.0%
Employee Tuition	2,000	2,000	0	0.0%
Advertising	300	300	0	0.0%
Freight/Delivery	1,900	1,900	0	0.0%
Temporary Help	67,000	67,000	0	0.0%
Furniture/Equipment	15,500	15,500	0	0.0%
Communications/Utilities	138,000	138,000	0	0.0%
Capital Outlay	44,340	79,967	35,627	80.3%
State Office of Risk Management	10,000	10,000	0	0.0%
Total	\$ 4,630,317	\$ 4,836,897	206,580	4.5%
FTE's	64	64	-	0%
Method of Finance:				
General Revenue	19,120	19,120	-	0.0%
Appropriated Receipts	4,311,197	4,517,777	206,580	4.8%
Federal Funds	300,000	300,000	-	0.0%
Total Method of Finance	\$ 4,630,317	\$ 4,836,897	\$ 206,580	4.5%

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Appropriations Request Allocation to Direct Strategies
 For FY 2011**

Description	Expenditures	E.1.1. SOL & Licensing	E.1.2. Inspections	E.1.3. Enforcement	E.1.4. Texas Online	Total Budget
Salaries and Wages	\$ 3,590,018	\$ 1,292,406	\$ 1,256,506	\$ 1,041,106	\$ -	\$ 3,590,018
Travel In-State	200,000	7,000	141,000	52,000	-	200,000
Travel Out-of State	0	0	0	0	-	0
Home Owner Consumer Claims (Rider # 13)	300,000	0		300,000	-	300,000
Professional Fees	44,000	16,280	15,781	11,939	-	44,000
Materials and Supplies	120,000	73,530	32,529	13,941	-	120,000
Repairs/Maintenance	88,692	32,816	30,155	25,721	-	88,692
Printing and Reproduction	49,000	37,500	3,500	8,000	-	49,000
Rental/Lease	67,000	12,000	38,500	16,500	-	67,000
Membership Dues	1,000	370	340	290	-	1,000
Registration Fees	33,400	17,900	8,500	7,000	-	33,400
Texas Online	19,120	0	0	0	19,120	19,120
Professional Liability Insurance	10,000	3,700	3,400	2,900	-	10,000
Employee Tuition	2,000	1,500	250	250	-	2,000
Advertising	300	111	102	87	-	300
Freight/Delivery	1,900	703	646	551	-	1,900
Temporary Help	67,000	65,000	700	1,300	-	67,000
Furniture/Equipment	15,500	10,000	3,000	2,500	-	15,500
Communications/Utilities	138,000	51,060	57,020	29,920	-	138,000
Capital Outlay	79,967	28,788	27,988	23,191	-	79,967
State Office of Risk Management	10,000	3,700	3,400	2,900	-	10,000
	\$ 4,836,897	\$ 1,654,364	\$ 1,623,317	\$ 1,540,096	\$ 19,120	\$ 4,836,897

FTE's 64 29.66 18.47 15.87 64

Method of Finance:

	General Revenue	Appropriated Receipts	Federal Funds	Total
Strategy One:	1,654,364	0	1,654,364	1,654,364
Strategy Two:	1,623,317	0	200,000	1,623,317
Strategy Three:	1,540,096	0	100,000	1,540,096
Strategy Four:	19,120	19,120	-	19,120
	\$ 4,836,897	\$ 19,120	\$ 300,000	\$ 4,836,897

**Texas Department of Housing and Community Affairs
 Manufactured Housing Division
 Revenue Summary and Projections
 For FY 2010-2011**

FEE TYPE	FY 2010 Projected (c)	FY 2011 Projected (d)	Variance (c-d)	Percentage Change
Training	117,517	117,517	-	0.0%
SOL - Titles	4,356,201	4,356,201	-	0.0%
Licenses	1,197,209	1,197,209	-	0.0%
Inspections	1,284,011	1,284,011	-	0.0%
Admin. Penalties	34,383	34,383	-	0.0%
Public Information	4,600	4,600	-	0.0%
Reimbursement - HORTF	291,862	291,862	-	0.0%
Returned Check Charge	-	-	-	0.0%
	7,285,783	7,285,783	-	0.0%
Federal Fund	570,290	570,290	-	0%
Total	\$ 7,856,073	\$ 7,856,073	\$ -	0.0%

Agenda Action Item No. 3

Adoption of Manufactured Housing Rules *Administrative Rules of the Texas Department of Housing and Community Affairs* *10 Texas Administrative Code, Chapter 80*

The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (Department) adopts without changes 10 TAC, Chapter 80, §§80.3, 80.90, 80.93. The text to the adopted rules without changes will not be republished in the *Texas Register*. Section 80.100 is adopted with non-substantive changes and will be republished in the *Texas Register*. The proposed rules were published in the April 11, 2008, issue of the *Texas Register* (33 TexReg 2881).

The adopted amendments add additional rules and forms to comply with HB 1460 that was passed by the 80th Legislature (2007 Regular Session) and became effective on January 1, 2008.

The rules are effective thirty (30) days following the date of publication with the *Texas Register* of notice that the rule has been adopted.

There were no comments received during the comment period and no requests were received for a public hearing to take comments on the rules.

Except as noted below, the rules as proposed on April 11, 2008, are adopted as final rules with the following non-substantive changes.

Section 80.100(a) – Renumbered list because the proposed form (39) is being withdrawn to re-propose with substantive changes.

Section 80.100(b)(39) – Withdrawing Statement from Tax Assessor-Collector and renumbered paragraph (b)(40) to (b)(39).

Figure: 10 TAC §80.100(b)(39) – Withdrawing the new Statement from Tax Assessor-Collector form to re-propose with substantive changes regarding payment of estimated taxes for the present year and placing the payment in escrow. Renumbered the Notice of Intent to Acquire Ownership of an Abandoned Manufactured Home form from §80.100(b)(40) to (b)(39).

Section 80.100(b)(40) – Renumbered paragraph (b)(41) to (b)(40).

Figure: 10 TAC §80.100(b)(40) – renumbered the Affidavit of Fact for Abandonment form from §80.100(b)(41) to (b)(40).

Section 80.100(b)(41) – Renumbered paragraph (b)(42) to (b)(41).

Figure: 10 TAC §80.100(b)(41) – renumbered the Disclosure to Consumer if Financing Does Not Close from §80.100(b)(42) to (b)(41).

Section 80.100(b)(42) – Renumbered paragraph (b)(43) to (b)(42).

Figure: 10 TAC §80.100(b)(42) – renumbered the Application for Salesperson's License Renewal form from §80.100(b)(43) to (b)(42).

Section 80.100(b)(43) – Renumbered paragraph (b)(44) to (b)(43).

Figure: 10 TAC §80.100(b)(43) – renumbered the Application for Instruction Providers from §80.100(b)(44) to (b)(43).

Section 80.100(b)(44) – Removed paragraph because it is renumbered as 80.100(b)(43).

Figure: 10 TAC §80.100(b)(44) – moved Application for Instruction Providers form to 80.100(b)(43).

The following is a restatement of the rules' factual basis:

§80.3(m) **is adopted (without changes)** relating to fee refunds by the Department to comply with §1201.059(d) of the Standards Act.

Section 80.90(g) **is adopted (without changes)** to add a new subsection for the holder or servicer of loan to elect a home real property when the title company or attorney fails to complete conversion. The new subsection is added to comply with §1201.2055(i)(3) of the Standards Act.

Section 80.90(h) **is adopted (without changes)** to add a new subsection for requiring an affidavit of fact when submitting an application for SOL pursuant to the abandonment provision in §1201.217 of the Standards Act.

Figure: 10 TAC §80.93(b) **is adopted (without changes)** to revise the tax lien layout form because the Department cannot accept dummy numbers (999-999-99) in lieu of a taxing entity number or central tax collector number when filing a lien.

Section 80.100(a) **is adopted (with changes)** to amend the list of forms by revising existing forms and adding new forms to the list.

Figure: 10 TAC §80.100(b)(1) **is adopted (without changes)** to revise the Application for Manufacturer's License by adding a column for the date of birth.

Figure: 10 TAC §80.100(b)(2) **is adopted (without changes)** to revise the Application for License for a Retailer, Broker, Installer and/or Rebuilder by adding a column for the date of birth.

Figure: 10 TAC §80.100(b)(4) **is adopted (without changes)** to revise the Application for Salesperson's License by updating the education requirements information in the certification section.

Figure: 10 TAC §80.100(b)(16) **is adopted (without changes)** to revise the Notice of Installation form by removing the Installation Decal Number field because the proposal to issue decal numbers was not implemented when new rules were adopted in December of 2007,

corrected the number of days required to submit the form from 15 to 7 days to comply with the Standards Act, and added a section for the Department to report the inspection results.

Figure: 10 TAC §80.100(b)(19) **is adopted (without changes)** to revise the Application for Statement of Ownership and Location by adding 2(b), 4(c), 4(d), home identification at the top of the 2nd page, and lienholder contact information in Block 8.

Figure: 10 TAC §80.100(b)(20) **is adopted (without changes)** to delete the Application for Correction to a Statement of Ownership and Location and replace it with new Affidavit of Fact for Real Property form.

Figure: 10 TAC §80.100(b)(24) **is adopted (without changes)** to replace the Affidavit of Fact for Incomplete SOL with Addendum to Application for SOL that does not require the form to be notarized.

Figure: 10 TAC §80.100(b)(31) **is adopted (without changes)** to revise the Notice of Lien to Perfect a Lien (Other than Tax Lien) by removing the requirement to notarize signatures in Block 3 and adding Block 4 for lien assignments.

Figure: 10 TAC §80.100(b)(32) **is adopted (without changes)** to revise Notification of Filing Status as a Central Tax Collector by correcting the block number for Notarized Signature Required from Block 3 to Block 4 and the number on page 2 from Block 2 to Block 3.

Figure: 10 TAC §80.100(b)(35) **is adopted (without changes)** to revise form by adding requirement to attach list of related persons as required by §1201.103 of the Standards Act.

Figure: 10 TAC §80.100(b)(38) **is adopted (without changes)** to add new Probationary Installation (Form T) form to comply with §1201.104(f) of the Standards Act.

Figure: 10 TAC §80.100(b)(39) **is withdrawn** to add new Statement from Tax Assessor-Collector form to meet requirements of §1201.206(g) of the Standards Act.

Figure: 10 TAC §80.100(b)(40) **is adopted (with changes)** to add new Notice of Intent to Acquire Ownership of an Abandoned Manufactured Home form to comply with §1201.217 of the Standards Act.

Figure: 10 TAC §80.100(b)(41) **is adopted (with changes)** to add new Affidavit of Fact for Abandonment form to comply with §1201.217 of the Standards Act.

Figure: 10 TAC §80.100(b)(42) **is adopted (with changes)** to add new Disclosure to Consumer relating to occupying a manufactured home before financing is closed required by §1201.513 of the Standards Act.

Figure: 10 TAC §80.100(b)(43) **is adopted (with changes)** to add new Application for Salesperson's License Renewal to comply with §1201.103 of the Standards Act.

Figure: 10 TAC §80.100(b)(44) **is adopted (with changes)** to add new Application for Educational Instruction Providers to comply with §1201.104(e) of the Standards Act and 10 TAC, Chapter 80, §80.41(c).

The amended rules are adopted under the Texas Manufactured Housing Standards Act, Occupations Code, Chapter 1201, §1201.052, which provides the department with authority to amend, add, and repeal rules governing the Manufactured Housing Division of the Department and under Texas Government Code, Chapter 2306, §§2306.6014 and 2306.6020, which authorizes the board to adopt rules as necessary and the director to administer and enforce the manufactured housing program through the Manufactured Housing Division.

The agency hereby certifies that the amended rules have been reviewed by legal counsel and found to be a valid exercise of the agency's authority.

No other statutes, codes, or articles are affected by the proposed rules.

Amended Rules for Adoption

Proposed Rules Published in 04/11/2008 Texas Register

SUBCHAPTER A. CODES, STANDARDS, TERMS, FEES AND ADMINISTRATION

§80.1. *Texas Manufactured Housing Standards Code.*

(1) - (4) No change.

§80.2. *Definitions.*

(1) - (25) No change.

§80.3. *Fees.*

(a) - (l) No change.

(m) The director may approve a refund of all or a portion of any fee collected if he or she makes a documented determination showing that:

(1) The fee was for a service applied for in error based on incorrect advice from the Department; ~~[or]~~

(2) The fee represented a duplicate payment for a service for which money had already been collected by the Department or a licensee; ~~or [.]~~

(3) A refund is justified and warranted.

§80.4. *Advisory Committee.*

No change.

SUBCHAPTER H. STATEMENTS OF OWNERSHIP AND LOCATION

§80.90. *Issuance of Statements of Ownership and Location.*

(a) - (f) No change.

(g) When a title company or attorney's office fails to complete the conversion of a manufactured home to real property, the holder or servicer of the loan may apply for a statement of ownership and location electing real property status after-the-fact, providing that evidence of notice to all parties is sent via certified mail and that proof of such efforts is provided along with an

affidavit of fact describing such efforts, pursuant to §1201.2055(i)(3) of the Standards Act.

(h) Submitting an application for Statement of Ownership and Location pursuant to the abandonment provision in §1201.217 of the Standards Act, should include an affidavit of fact, on the prescribed form, attesting to that all statutory notifications have been made to the appropriate parties, including the tax assessor-collector of the county where the home is located, and evidence that all notification was sent via certified mail.

§80.91. Issuance of a Texas Seal.

(a) - (c) No change.

§80.92. Inventory Finance Liens.

(a) - (b) No change.

§80.93. Recording Tax Liens on Manufactured Homes.

(a) No change.

(b) Electronically filed tax liens and tax lien releases shall be filed with the Department using the required format as provided in the following Tax Lien File Layout. No other format will be accepted for electronic filing of tax liens.

Texas Department of Housing and Community Affairs
Tax Lien File Layout

MUST be ASCII Fixed Record Layout (Text Format)
516 bytes total per each record
All text fields, addresses, names, etc should be left justified.

ITEM		PICTURE	OFFSET	Additional Information for Accurate Filing
Home Identification				
Label-No		Alpha 10	1-10	The label number must be exactly 10 characters - anything more or less will be invalid. Also, additional text (<i>i.e.</i> , "Lab#" before the label or "A" or "A/B" after the number) will invalidate the field. If there is no label number, LEAVE SPACES BLANK – DO NOT enter ZEROS, UNKNOWN, NONE or anything else in this field.
Serial-No		Alpha 26	11-36	Serial numbers must only include the number of the first section - and not be prefixed with anything else (<i>i.e.</i> , SER#, #, S#, or using both section letters as A/B). The chances of recording a lien with only a serial number are very slim. Having a label number is the best chance for a successful recording. If there is no serial number, LEAVE SPACES BLANK – DO NOT enter ZEROS, UNKNOWN, NONE or anything else in this field.
FILLER (blank spaces)		Alpha 20	37-56	Model name is no longer required, so leave the 20-spaces originally allocated for this blank.
Taxpayer Identification				
Taxpayer-Name	Left Justified	Alpha 40	57-96	
Taxpayer-Name2	Left Justified	Alpha 40	97-136	
Taxpayer-Addr1	Left Justified	Alpha 30	137-166	
Taxpayer-Addr2	Left Justified	Alpha 30	167-196	
Taxpayer-City	Left Justified	Alpha 20	197-216	
Taxpayer-State	Left Justified	Alpha 2	217-218	
Taxpayer-Zipcode		Alpha 10	219-228	

ITEM		PICTURE	OFFSET	Additional Information for Accurate Filing
Collector Identification				
Collector-Tax-Entity-ID or Central Tax Collector Number		Alpha 10	229-238	The taxing entity id <u>or the Dept. assigned [for]</u> Central Tax Collector number MUST be 10 characters and in the following format XXX-XXX-XX. <u>[If the State Comptroller's Office has not assigned a taxing entity ID to the taxing entity, enter 999-999-99 in this field.]</u>
Collector-Name	Left Justified	Alpha 40	239-278	Enter the name of the taxing jurisdiction.
Collector-Name2	Left Justified	Alpha 40	279-318	Enter the name of the collector.
Collector-Addr1	Left Justified	Alpha 30	319-348	
Collector-Addr2	Left Justified	Alpha 30	349-378	
Collector-City	Left Justified	Alpha 20	379-398	
Collector-State	Left Justified	Alpha 2	399-400	
Collector-Zipcode		Alpha 10	401-410	
Lien Information				
Tax-Roll-Account-No		Alpha 26	411-436	
FILLER (blank spaces)		Alpha 8	437-444	Lien date is the date the lien is received by TDHCA and will be inserted when recorded; so leave the 8-spaces originally allocated for this blank.
Tax-Year - YYYY		Alpha 4	445-448	
Tax Amount		Alpha 8	449-456	The tax amount is required and must be entered without a decimal point (Example: If tax amount is \$300.25, please entered as 00030025).
Release-Date – YYYYMMDD		Alpha 8	457-464	The date MUST be formatted as YYYYMMDD and have no slashes or spaces.
FILLER (blank spaces)		Alpha 49	465-513	
County Code		Alpha 3	514-516	A carriage return after entering the 3-digit County Code is needed after each record for proper formatting.

(c) - (d) No change.

ADOPTED SUBCHAPTER I. FORMS

§80.100. List of Forms.

- (a) The following list is in numerical order with the forms located in subsection (b) of this section.
- (1) Application for Manufacturer's License.
 - (2) Application for Retailer, Broker, Installer and/or Rebuilder's License.
 - (3) Application for Retailer with Branch Locations License.
 - (4) Application for Salesperson's License.
 - (5) Licensing Surety Bond.
 - (6) Licensing Security Agreement.
 - (7) Manufacturer's Certificate of Origin (MCO).
 - (8) Consumer Disclosure Statement.
 - (9) Warranty and Disclosure for a Used Manufactured Home.
 - (10) Retail Monitoring Checklist.
 - (11) Consumer Notice of Licensed and Bonded Location.
 - (12) Notice and Informed Consent to Installation on an Improperly Prepared Site.
 - (13) Formaldehyde Notice.
 - (14) Texas Inventory Finance Security Form.
 - (15) Broker Disclosure Form.
 - (16) Notice of Installation (Form T).
 - (17) Installation Checklist.
 - (18) Estimate for Reassigned Warranty Work.
 - (19) Application for Statement of Ownership and Location.
 - (20) **Affidavit of Fact for Real Property.**
 - (21) Affidavit of Fact.
 - (22) Affidavit of Error.
 - (23) Affidavit of Fact for Right of Survivorship.
 - (24) **Addendum to Application for SOL.**
 - (25) Release or Foreclosure of Lien (Form B).
 - (26) Statement of Inheritance (Form C).
 - (27) Taxing Entity Application for Texas Seal (Form S).
 - (28) Multiple Application Log (Form M).
 - (29) Instructions to Third Party Closer.
 - (30) Notice of Lien for Tax Lien/Release Form.
 - (31) Notice of Lien to Perfect a Lien (Other than Tax Lien) Form.
 - (32) Notification of filing status as a Central Tax Collector.
 - (33) Site Preparation Notice Form.
 - (34) Sample of Statement of Ownership and Location.
 - (35) Application for License Renewal (other than a salesperson).
 - (36) Right of Rescission Waiver Form.
 - (37) List of Unlicensed Installers Form.
 - (38) **Probationary Notice of Installation (Form T).**
 - (39) **Notice of Intent to Acquire Ownership of an Abandoned Home.**

- (40) Affidavit of Fact for Abandonment.**
- (41) Disclosure to Consumer (Possible Need to Vacate Home if Financing does not Close.**
- (42) Application for Salesperson's License Renewal.**
- (43) Application for License Instruction Provider**

(b) Forms.

- (1) Application for Manufacturer's License.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR MANUFACTURER'S LICENSE

(Please type or print clearly.)

Check one: Corporation Partnership Sole Proprietorship Other

1. Legal Business Name: _____

2. Have you ever been licensed by TDHCA? YES NO If yes, provide license number: _____

3. Physical Location Address: _____ City, State, ZIP and County _____

4. Phone: _____ Fax: _____

5. Mailing Address: _____ City, State, ZIP and County _____

6. Date applicant became owner, operator (or date incorporated): _____

7. Provide list of all trade names and the names of all other business organizations subject to this chapter and the name and address of any such business organization registered with the secretary of state (additional may be listed on a separate sheet).

Trade Name	Physical Address, City, State, and ZIP

8. Provide complete information on ALL owners, principals, partners and/or corporate officers (additional may be listed on a separate sheet).

NOTE: Providing your social security number is optional, HOWEVER, the processing of your application may be delayed without it.

Legal Name and Title	Mailing Address, City, State & ZIP	Phone	Date of Birth	SSN

9. Provide complete list of all persons (other than the principals listed above), who directly or indirectly participate in management or policy decisions for this applicant.

Legal Name and Title	Mailing Address, City, State and ZIP	Phone

10. Have you, or a corporate officer or partner, been convicted of any felony or misdemeanor offense, OTHER than a Class C misdemeanor for traffic violations, within the five years PRECEDING this application? YES NO If YES, complete the required Criminal Conviction Questionnaire ensuring that you provide accurate and thorough details sufficient to persuade the Department that you conviction does not pose a threat to the consumer or the industry. **A DPS criminal check will be performed.**

11. Plant Certification Date:		
12. Production Inspection Primary Inspection Agency Label Prefix:		
13. Design Approval Primary Inspection Agency:		
14. Provide physical address, city, state and ZIP, where records will be kept (this can be the principal location or an alternate in-state location):		
15. Will you have a manufacturing plant or service facility in Texas? <input type="checkbox"/> YES <input type="checkbox"/> NO		
<p>If NO, to assure the availability of prompt and satisfactory warranty service, a manufacturer which does not have a licensed manufacturing plant or other facility in Texas from which warranty service and repairs can be provided and made, shall be bonded or post other security in an additional amount of \$100,000.</p> <p>Or, to be exempt from the additional security, you must have a bona fide service facility in Texas, pursuant to Section 80.40(d) of the Administrative Rules.</p> <p>Name of Facility: Address: City/State/ZIP: Phone:</p>		
Certification		
<p>License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law.</p> <p>With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.</p>		
<i>(Signature of Applicant or President, if incorporated)</i>		<i>(Date)</i>
<i>(Signature of Secretary, if incorporated)</i>		<i>(Date)</i>
Department Use Only		
Education: <input type="checkbox"/> 20 hours of Department Education in Austin, Texas	Fees: <input type="checkbox"/> \$250.00 Education Fee <input type="checkbox"/> \$550.00 Retailer Licensing Fee <input type="checkbox"/> \$900.00 Retailer/Broker Licensing Fee <input type="checkbox"/> \$900.00 Ret./Installer Licensing Fee <input type="checkbox"/> \$1250.00 Ret./Brok./Inst. Licensing Fee	Additional Requirements: <input type="checkbox"/> \$50,000 BOND/CD <input type="checkbox"/> Public Liability Insurance <input type="checkbox"/> *Motor Vehicle Liability Insurance <input type="checkbox"/> *Cargo Insurance (*if transporting homes) <input type="checkbox"/> Retailer's Physical Damage

- (2) Application for Retailer, Broker, Installer and/or Rebuilder's License.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR LICENSE (FOR A RETAILER, BROKER, INSTALLER AND/OR REBUILDER) <i>(Please type or print clearly.)</i>				
Check one: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Other				
1. Legal Business Name: _____				
2. Have you ever been licensed by TDHCA? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, provide license number: _____				
3. Physical Location Address: _____ City, State, ZIP and County				
4. Phone: _____ Fax: _____				
5. Mailing Address: _____ City, State, ZIP and County				
6. Date applicant became owner, operator (or date incorporated): _____				
7. Provide list of all trade names and the names of all other business organizations subject to this chapter and the name and address of any such business organization registered with the secretary of state (additional may be listed on a separate sheet).				
Trade Name	Physical Address, City, State, and ZIP			
8. Provide complete information on ALL owners, principals, partners and/or corporate officers (additional may be listed on a separate sheet). <i>NOTE: Providing your social security number is optional, HOWEVER, the processing of your application may be delayed without it.</i>				
Legal Name and Title	Mailing Address, City, State & ZIP	Phone	Date of Birth	SSN
9. Provide complete list of all persons (other than the principals listed above), who directly or indirectly participate in management or policy decisions for this applicant.				
Legal Name and Title	Mailing Address, City, State and ZIP	Phone		
10. Have you, or a corporate officer or partner, been convicted of any felony or misdemeanor offense, OTHER than a Class C misdemeanor for traffic violations, within the five years PRECEDING this application?		<input type="checkbox"/> YES <input type="checkbox"/> NO If YES, complete the required Criminal Conviction Questionnaire ensuring that you provide accurate and thorough details sufficient to persuade the Department that you conviction does not pose a threat to the consumer or the industry. A DPS criminal check will be performed.		
11. Indicate which type of license you are applying for:				
<input type="checkbox"/> R= Retailer <input type="checkbox"/> RB= Retailer/Broker <input type="checkbox"/> RI=Retailer/Installer <input type="checkbox"/> RBI=Retailer/Broker/Installer <input type="checkbox"/> B= Broker <input type="checkbox"/> I= Installer <input type="checkbox"/> RB=Rebuilder				

12. As applicable, indicate what function(s) you will be performing:		<input type="checkbox"/> Transporting <input type="checkbox"/> Installation	
13. Are you in arrears on any taxes owed to the State of Texas? Are you in arrears on a guaranteed student loan?		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> NO If you answered YES to either question, provide proof that you are in good standing with them or that you have made payment arrangements.	
Provide physical address, city, state and ZIP, where records will be kept (this can be the principal location or an alternate in-state location):			
Certification			
License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law.			
With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.			
_____ <i>(Signature of Applicant or President, if incorporated)</i>		_____ <i>(Signature of Secretary, if incorporated)</i>	
_____ <i>(Date)</i>		_____ <i>(Date)</i>	
Department Use Only			
Education:	Fees:	Additional Requirements:	
<input type="checkbox"/> 20 hours of Department Education in Austin, Texas	<input type="checkbox"/> \$250.00 Education Fee	<input type="checkbox"/> \$50,000 BOND/CD	
	<input type="checkbox"/> \$550.00 Retailer Licensing Fee	<input type="checkbox"/> Public Liability Insurance	
	<input type="checkbox"/> \$350.00 Broker Licensing Fee	<input type="checkbox"/> *Motor Vehicle Liability Insurance	
	<input type="checkbox"/> \$350.00 Installer Licensing Fee	<input type="checkbox"/> *Cargo Insurance (*if transporting homes)	
	<input type="checkbox"/> \$900.00 Retailer/Broker Licensing Fee	<input type="checkbox"/> Retailer's Physical Damage	
	<input type="checkbox"/> \$900.00 Ret./Installer Licensing Fee		
	<input type="checkbox"/> \$1250.00 Ret./Brok./Inst. Licensing Fee		

Form (3).

No change.

(4) Application for Salesperson's License.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR SALESPERSON'S LICENSE <i>(Please type or print clearly.)</i>			
1. Name of Salesperson:		2. Date of Birth:	/ /
3. Home Address:		4. Social Security #:	
City:	State:	Zip:	
5. Telephone: Home ()	Telephone: Work ()	Fax: ()	
6. Sponsoring Retailer:		Sponsoring Retailer's Lic. #:	
7. Business Address:			
City:		State:	Zip:
8. List dates, employer and address for each job or position at which you have worked for the past three years. All gaps in employment must be explained.			
<i>(Dates)</i>		<i>(Employer)</i>	<i>(Address)</i>
<i>(Dates)</i>		<i>(Employer)</i>	<i>(Address)</i>
<i>(Dates)</i>		<i>(Employer)</i>	<i>(Address)</i>
9. Have you ever been licensed by TDHCA? YES / NO If so, please provide license number:			
10. Have you been convicted of any felony or misdemeanor offense, other than a Class C misdemeanor for a traffic violation, within the five years PRECEDING this application?			
<input type="checkbox"/> YES <input type="checkbox"/> NO <i>If YES, complete the enclosed Criminal Conviction Questionnaire.</i>			
Are you in arrears on any taxes owed to the State of Texas? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Are you in arrears on a guaranteed student loan? <input type="checkbox"/> YES <input type="checkbox"/> NO			
Certification			
License is subject to revocation, if the Department is NOT notified in writing of any changes in the information given on this application or if there is a violation of the law. License will be suspended if the education requirements of <u>\$1201.104(c)</u> are not <u>successfully</u> completed <u>by the next scheduled course offered after</u> the date the license is issued.			
With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.			
<i>(Signature of Applicant)</i>		<i>(Date)</i>	<i>(Signature of Sponsoring Retailer)</i>
<i>(Date)</i>			
Payment			
Attach the required license fee of \$200.00 (two hundred dollars) to this application. Payment may be made by company or business firm check, money order or cashier's check. Please make payable to: <i>Texas Department of Housing and Community Affairs</i> . Mail to the address listed at the top of this form.			
Department Use Only			
F e e s	<input type="checkbox"/> \$200.00 License Fee		Date Received:
		/ /	

Forms (5) through (15).

No change.

(16) Notice of Installation (Form T).

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

Notice of Installation (Form T)

HUD Label or Texas Seal # (s): _____ Serial # (s): _____
 Manufacturer Name: _____ License No. _____
 Home Size - Width / Length: _____ X _____ Weight _____ Date of Manufacture: ____/____/____ Model / Name: _____

Draw A Map To Provide Directions To Home On Page 2

Consumer: _____ Phone Numbers: Home: (____) _____ Work: (____) _____

Mailing Address: _____ City _____ ZIP: _____

Site Address: _____ ~~Within City Limits of~~ _____ ZIP: _____

County Where Home is Installed: _____ Installation Decal#: _____

Actual Installation Date: ____/____/____ Wind Zone on Data Plate: I (____) II (____) III (____)

Is the home installed in a Humid & Fringe Climate Yes (____) No (____) Was the home labeled for alternate construction. Yes (____) No (____)

	Name	Address	License #	Expiration Date	Phone #
Retailer					
Installer					

(____) New (____) Used Does retailer or installer provide skirting? Yes (____) No (____)

Is installation part of sales contract of used home? Yes (____) No (____) Not Applicable (____)

The home has been installed in accordance with:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. State Generic Standards - Title 10 Texas Administrative Code (10 TAC) §§80.22, 80.23, 80.24, and 80.25.
- (____) 3. A stabilization system registered with the Department in accordance with 10 TAC §80.26 - provide name of system or reference to MHD Approval Letter or registration _____.
- (____) 4. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to any drawing previously submitted).

IF NO METHOD IS CHECKED, IT WILL BE PRESUMED THAT OPTION 2 (STATE GENERIC STANDARDS) WAS USED.

To be submitted to the Department along with the required fee no later than the ~~7th~~ **15th** day of the month after which the installation is completed. The Installation Report (Form T) should no longer be submitted with the title documents.

Per §1201.206(i): On secondary moves the notice must be accompanied by either the original notice of installation or a certification that a true and correct copy of the notice of installation has been provided to the chief appraiser of the county where the home is installed. The delivery of the copy of the notice to the chief appraiser may be accomplished by either certified mail or by electronic mailing of the electronically reproduced document in a commonly readable format.

I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct. Executed this _____ day of _____, _____.

Signature (Retailer/Installer)

Name (print or type)

Department Use Only

- Inspected Without Violations
- Inspected With Violations
- Not Inspected, Unit Skirted

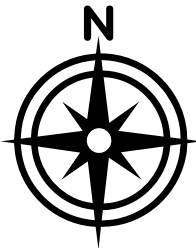
- Not Inspected, Unable to Locate
- Not Inspected, No Unit At Location
- Not Inspected, Unit Not Accessible

Inspection Date: _____ HUD/Seal #: _____

I hereby certify on this _____ day of _____, 20____ that the above inspection results are true and correct to the best of my knowledge and belief.

Inspector Signature: _____ Printed Name: _____

DRAW MAP BELOW



Forms (17) through (18).

No change.

(19) Application for Statement of Ownership and Location.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR STATEMENT OF OWNERSHIP AND LOCATION

The filing of an application for the issuance of a Statement of Ownership and Location, later than sixty (60) days after the date of a sale to a consumer for residential use, may result in a fee of up to one hundred dollars (\$100). Any such application that is submitted late may be delayed until the fee is paid in full.

BLOCK 1: Transaction Identification

This application is for:
 New home application
 Used home application
 Other

(For Department Use Only) Coding:
 Lien on file: Y / N Lienholder Code
 County Code: Right of Surv.: Y / N
 Retailer #: Manufacturer #:

BLOCK 2(a): Home Information (required)

Manufacturer Name:		Model:	
Address:		Date of Manufacture:	
City, State, Zip:		Total Square Feet:	
License Number:		Wind Zone:	

	Label/Seal Number	Complete Serial Number	Weight	Size*	*NOTE: Size must be reported as the outside dimensions (length and width) of the home as measured to the nearest 1/2 foot at the base of the home, exclusive of the tongue or other towing device.
Section 1:				X	
Section 2:				X	
Section 3:				X	
Section 4:				X	

2(b) **Is home being sold?** No Yes
If yes, and if there is/are no HUD Label(s) or Texas Seal(s) on your home, a Texas Seal will be need to be purchased and will be issued to each section of your home at an additional cost of \$35.00 per section.
 Single - \$35 Double - \$70 Triple - \$105

BLOCK 3: Home Location (required)

Physical Location of Home: (or 911 address)	Physical Address (cannot be a Rt. or P. O. Box)	City	State	ZIP	County
--	---	------	-------	-----	--------

Was home moved for this sale? No Yes
 Was Home Installed for this sale? No Yes If yes, provide installer information below, if known

Installer Name, address and phone:

BLOCK 4: Ownership Information (required)

4(a) Seller(s) or Transferor(s)		4(b) Purchaser(s), Transferee(s), or Owner(s)	
Name	License # if Retailer:	Name	License # if Retailer:
Name		Name	
Mailing Address		Mailing Address	
City/State/Zip		City/State/Zip	
Daytime Phone Number () -		Daytime Phone Number () -	

4(c) Date of sale, transfer or ownership change:

4(d) **Did the buyer trade-in a home to purchase this home?** No Yes **If yes, provide the following:**
 HUD Label _____, Serial No. _____

<u>HUD Label #:</u>	<u>Serial #:</u>	<u>GF# (for title co.):</u>
---------------------	------------------	-----------------------------

BLOCK 5: Right of Survivorship (if no box is checked, joint owners will NOT have right of survivorship)

If joint owners desire right of survivorship, check the applicable box below:

Husband and wife will be the only owners and agree that the ownership of the above described manufactured home shall, from this day forward, be held jointly and in the event of death, shall pass to the surviving owner.

Joint owners are other than husband and wife, desire right of survivorship, **and** have attached a completed Affidavit of Fact for Right of Survivorship or other affidavits as necessary to meet the requirements of §1201.213 of the Standards Act.

BLOCK 6: Personal/Real Property Election - Purchaser(s)/Transferee(s)/Owner(s) check one election type:

Personal Property – Applicant elects to treat this home as personal property. All documents affecting title to the home will be filed in the records of the Department.

Real Property – I (we) elect to treat this home as real property and certify that I am (we are) entitled to make this election in accordance with Section 1201.2055 of the Occupations Code because (**one box must** be checked):

I (we) own the real property that the home is attached to. I (we) have a qualifying long-term lease for the land that the home is attached to.

I (We) understand that the home will not be considered to be real property until a certified copy of the SOL has been filed in the real property records of the county in which the home is located AND a copy stamped “Filed” has been submitted to the Department.

Legal description must be provided for real property: _____

If a title company, list your file or GF #: _____

Inventory – (FOR RETAILER USE ONLY) Retailer number must be provided in Block 4b if this election is checked.

BLOCK 7: Designated Use - to be designated by purchaser(s), transferee(s), or owner(s)

Residential Use (as a dwelling) OR

Non-Residential - Check **one** of the following: *Business Use* *Salvage*

BLOCK 8: Liens – To specify any liens on the SOL the NOTICE OF LIEN FORM must be completed and submitted with the application. To prevent an SOL from being issued without a lien, in the event the Notice of Lien is detached, indicate name and phone number of lienholder's contact person and phone number.

Lienholder's Representative: _____ Phone: _____

BLOCK 9: Special Mailing Instructions.

<p>IF a copy of an SOL is to be mailed to anyone other than the owner or lienholder of record (such as a closing agent), please provide that mailing address here and enclose the additional fee.</p>	Name:	
	Company:	
	Street Address:	
	City, State, Zip:	
	Area Code/Phone	

BLOCK 10: Certification and Notarization - The statements set forth herein are made under oath and are true and correct.

Seller certifies that any required habitability warranty has been delivered (consumer to consumer sales are exempt).

Seller certifies that the purchaser has been given a written disclosure on a form prescribed by the Department describing the condition of the home and of any appliances that are included in the home.

10(a) Notarized signature of each seller/transferor	10(b) Notarized signature of each purchaser/transferee or owner
<p>_____</p> <p><i>Signature of owner or authorized seller</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____</p> <p><i>Signature of Notary</i></p> <p>SEAL</p>	<p>_____</p> <p><i>Signature of purchaser/transferee or owner</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____</p> <p><i>Signature of Notary</i></p> <p>SEAL</p>
<p>_____</p> <p><i>Signature of owner or authorized seller</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____</p> <p><i>Signature of Notary</i></p> <p>SEAL</p>	<p>_____</p> <p><i>Signature of purchaser/transferee or owner</i></p> <p>Sworn and subscribed before me this ____ day of _____, 20__</p> <p>_____</p> <p><i>Signature of Notary</i></p> <p>SEAL</p>

(20) [Affidavit of Fact for Real Property.](#)

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

AFFIDAVIT OF FACT FOR REAL PROPERTY
(Sworn Statement)

BLOCK 1: Home Information

Manufacturer: Model:
Serial Number: Label # and/or Seal #:
Square Footage: Size:

BLOCK 2: Statement of Facts

The undersigned hereby certifies that the closing of a mortgage loan to be secured by real property including the manufactured home identified herein was held, the loan was funded, and a deed of trust covering the real property and all improvements on the property was recorded (copy attached) and the licensed title company or attorney who closed the loan failed to complete the conversion to real property in accordance with Chapter 1201 of the Occupations Code. In connection with an Application for a Statement of Ownership and Location electing real property status for the purpose of obtaining a certified copy of the Statement of Ownership and Location and making the necessary filings and notifications to complete such conversion, I hereby certify the following:

- (1) the record owner of the home, as reflected on the department's records, has been given at least 60 days' prior written notice by certified mail at:
(A) the location of the home and, if it is different, the mailing address of the owner as specified in the department records; and
(B) any other location the holder or servicer knows or believes, after a reasonable inquiry, to be an address where the owner may have been or is receiving mail or is an address of record.

BLOCK 3: Signature (Notarization is REQUIRED)

(Signature of holder's or servicer's authorized representative)

(Printed name and title of authorized representative)

Before me personally appeared the person (s) whose signature (s) appear above, who by being sworn, upon oath, say that the statements set forth hereinabove are true and correct. Subscribed and sworn before me this ___ day of _____ 20 ____.

(Name of Notary)

(Notary Public)

(Commission Expires)

Notary Public State of Texas

SEAL

Forms (21) through (23).

No change.

(24) **Addendum to Application for SOL.**

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

Addendum to Application for Statement of Ownership and Location

BLOCK 1: Home Information

HUD Label: _____ Serial Number: _____

BLOCK 2: Statement of Facts

(Provide the information checked below.)

1. **Physical address is:** _____
 (cannot be a Rt. or P.O. Box) Address City State ZIP County

2. **Purchaser's mailing address is:** _____
 Address City State ZIP County

3. **Seller's mailing address is:** _____
 Address City State ZIP County

4. **Date of Sale:** _____

5. **Designated Use is:** [] Residential Use (as a dwelling) OR
 [] Non-Residential If non-residential, specify: [] Business Use **or** [] Salvage

6. **HUD Label number(s): Section 1** _____

Section 2 _____

Section 3 _____

Home has no label number(s). I have enclosed \$35 per seal, per section (Singlewide \$35, Double \$70, Triple \$105)

Home has no label OR serial number anywhere on the home. I have stated so under oath, in a sworn statement, on the back of this form.

7. **Legal Description:**

Block 3: Signature(s)

I hereby state to the Manufactured Housing Division of the Texas Department of Housing and Community Affairs as follows:

In connection with my application for a Statement of Ownership and Location for the above-described manufactured home, I hereby provide the following information as an addendum to my application:

 (Seller's Signature)

 (Purchaser's Signature)

 (Seller's Signature)

 (Purchaser's Signature)

Forms (25) through (30).

No change.

(31) Notice of Lien to Perfect a Lien (Other than Tax Lien) Form.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109

Internet Address: www.tdhca.state.tx.us/mh/index.htm

**NOTICE OF LIEN
 TO PERFECT A LIEN (OTHER THAN TAX LIEN)**

BLOCK 1: Home Information (required)

	<i>Label/Seal Number</i>	<i>Complete Serial Number</i>
Section 1:		
Section 2:		
Section 3:		
Section 4:		

BLOCK 2: Liens - Specify any liens (other than tax liens), charges, or other encumbrances to be recorded on the SOL

Effective Date of Lien:		Effective Date of Lien:	
Name of First Lienholder:		Name of Second Lienholder:	
Mailing Address:		Mailing Address:	
City/State/ZIP:		City/State/ZIP:	
Daytime Phone Number:	()	Daytime Phone Number:	()
Dollar amount of Lien:	\$	Dollar Amount of Lien:	\$

BLOCK 3: Signature of owner/borrower

<p style="text-align: center;">_____ <i>Signature of purchaser/transferee or owner</i></p> <p style="text-align: center;"><i>Sworn and subscribed before me this ____ day of _____, 20__</i></p> <p style="text-align: center;">_____ <i>Signature of Notary</i></p> <p style="text-align: center;">SEAL</p>	<p style="text-align: center;">_____ <i>Signature of purchaser/transferee or owner</i></p> <p style="text-align: center;"><i>Sworn and subscribed before me this ____ day of _____, 20__</i></p> <p style="text-align: center;">_____ <i>Signature of Notary</i></p> <p style="text-align: center;">SEAL</p>
---	---

BLOCK 4: For Lien Assignments

<p style="text-align: center;">_____ Name of Former Lienholder</p> <p style="text-align: center;">_____ Signature of Authorized Representative</p> <p style="text-align: center;"><i>Sworn and subscribed before me this ____ day of _____, 20__</i></p> <p style="text-align: center;">_____ Signature of Notary</p> <p style="text-align: center;">SEAL</p>	<p style="text-align: center;">_____ Name of New Lienholder</p> <p style="text-align: center;">_____ Signature of Authorized Representative</p> <p style="text-align: center;"><i>Sworn and subscribed before me this ____ day of _____, 20__</i></p> <p style="text-align: center;">_____ Signature of Notary</p> <p style="text-align: center;">SEAL</p>
--	---

(32) Notification of filing status as a Central Tax Collector.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-1109
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

NOTIFICATION OF FILING STATUS AS A CENTRAL TAX COLLECTOR

Please type or print clearly.

BLOCK 1: Central Tax Collector Information

Central Collector Name: _____
Central Collector's Address: _____
(Address) (City) (State) (Zip Code)
Phone #: () **FAX #:** () **Email:** _____

BLOCK 2: Assignment of Central Tax Collector Number

(Department Use Only. The Department will notify taxing entity of the assigned number.)

Central Tax Collector Number: CTC-_____

BLOCK 3: Taxing Jurisdiction Information

County Name: _____ **County Code (3 digits):** _____

Complete 8-Digit Taxing Entity ID #	Name of Taxing Entity

Additional taxing entities may be listed on the reverse side of this form.

BLOCK 4: Notarized Signature Required

Until revoked by written notice to the Department, the undersigned will be the sole agent of each taxing entity listed herein for the recordation and release of tax liens on manufactured homes within the county specified herein. The undersigned represents and warrants that it is acting as a centralized collector and that it has legal authority to record and release such liens under the Central Tax Collector number designated herein. A lien filed for a particular year under the designated Central Tax Collector number may be for taxes due to one or more of the entities for which the Central Collection Agent collects, whereas a lien release filed for that year under that same number indicates that ALL taxes due to each entity for which the Agent collects have been discharged. In the event that any of the information provided herein changes, the undersigned agrees and undertakes to provide the Department with written notice of such change at least ten (10) days prior to its taking effect, and until and unless such written notice has been actually received by the Department at least ten (10) days prior to its taking effect, the Department will not be bound by it.

(Central Collector's Signature)

(Date)

Before me personally appeared the person(s) whose signature(s) appear above, who by being sworn, upon oath, say that the statements set forth hereinabove are true and correct. Subscribed and sworn before me this ____ day of 20____.

(Name of Notary)

(Notary Public)

(Commission Expires)

Notary Public State of Texas

SEAL

BLOCK 32: Taxing Jurisdiction Information (Continued From Front)

Complete 8-Digit Taxing Entity ID #	Name of Taxing Entity

Forms (33) through (34).

No change.

(35) Application for License Renewal (other than a salesperson).

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR LICENSE RENEWAL (OTHER THAN SALESPERSONS)

Renew your license in one of 3 ways:

- **NEW! Renew online using a credit card or electronic check.** For eligibility requirements and other information, visit us on the web at www.tdhca.state.tx.us/mh/industry-info.htm. Please help us improve by completing the survey afterward.
- Complete this application and mail it with the renewal fee and proof that you completed the continuing education to: TDHCA, P.O. Box 12489, Austin, Texas 78711-2489
- Deliver in person this completed application with the fee to MHD on the 1st floor at: 221 East 11th Street, Austin, Texas

BLOCK 1: Applicant Information (Please type or print clearly.)

License Number: _____ Current Business Name: _____
 Expiration Date: ____/____/____ Current Mailing Address: _____
 City/State/ZIP: _____

Has there been a business name change that you have not yet reported to TDHCA? Yes No
If yes, you must submit acceptable evidence that your bond covers the changes.

Has there been any change in location that you have not yet reported to TDHCA? Yes No
If yes, you must submit acceptable evidence that your bond covers the changes.

Has there been any change in corporate officers that you have not yet reported to TDHCA? Yes No
If yes, please list name(s) and date(s) of birth on the back of this page.

Have you, or a corporate officer or partner, been convicted in Texas or any other state of any felony or misdemeanor offense, other than a class c misdemeanor for a traffic violation, in the last 12 months? Yes No
If yes, please visit our website or contact our office to obtain a *Criminal Conviction Affidavit*, which you must complete and submit with this application.

Are you in arrears on any taxes owed the State of Texas? Yes No
If yes, please call Tax Assistance at (512) 463-4600 or 1-800-252-5555.

Are you in arrears on a guaranteed student loan? Yes No
If yes, please call the Guaranteed Student Loan Corporation at (512) 835-1900.

[Attach a list of all related persons to this application as required by §1201.103 of the Standards Act.](#)

BLOCK 2: License Type and Fees

Please check one:

<input type="checkbox"/> Retailer (R)	\$550	<input type="checkbox"/> Retailer/Installer (RI)*	\$900
<input type="checkbox"/> Broker (B)	\$350	<input type="checkbox"/> Retailer/Broker/Installer (RBI)*	\$1250
<input type="checkbox"/> Installer (I)*	\$350	<input type="checkbox"/> Salvage Rebuilder (S)	\$550
<input type="checkbox"/> Retailer/Broker (RB)	\$900	<input type="checkbox"/> Manufacturer (M)	\$850

* Installers must have a current certificate of insurance on file or submit it with this notice.

BLOCK 3: Certification

With knowledge of the penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.

 Printed Name and Title

() - _____
 Signature of Owner or Corporate Officer

 Phone Number

 Date

Department Use Only: License Renewal Fee Received Date Received: ____/____/____

Forms (36) through (37).

No change.

(38) Probationary Notice of Installation (Form T).

**PROBATIONARY
INSTALLATION**

Texas Department of Housing and Community Affairs
MANUFACTURED HOUSING DIVISION
 P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

**Fax this report within 3
 working days from the
 date of installation to your
 assigned field office.
 Mail the original and fee
 by regular mail to the
 address on the letterhead.**

NOTICE OF INSTALLATION (FORM T)

HUD Label or Texas Seal # (s): _____ **Serial # (s):** _____
Manufacturer Name: _____ **License No.** _____
 Home Size - Width / Length: _____ X _____ Weight _____ Date of Manufacture: ____/____/____ Model / Name: _____

Draw A Map To Provide Directions To Home On Page 2

Consumer: _____ Phone Numbers: Home: (____) _____ Work: (____) _____
 Mailing Address: _____ City _____ ZIP: _____
 Site Address: _____ City _____ ZIP: _____
 County Where Home is Installed: _____
 Actual Installation Date: ____/____/____ Wind Zone on Data Plate: I (____) II (____) III (____)
 Is the home installed in a Humid & Fringe Climate Yes (____) No (____) Was the home labeled for alternate construction. Yes (____) No (____)

	Name	Address	License #	Expiration Date	Phone #
Retailer					
Installer					

(____) New (____) Used Does retailer or installer provide skirting? Yes (____) No (____)

Is installation part of sales contract of used home? Yes (____) No (____) Not Applicable (____)

The home has been installed in accordance with:

- (____) 1. Manufacturer's Home Installation Instructions (provide page number or option _____).
- (____) 2. State Generic Standards - Title 10 Texas Administrative Code (10 TAC) §§80.22, 80.23, 80.24, and 80.25.
- (____) 3. A stabilization system registered with the Department in accordance with 10 TAC §80.26 - provide name of system _____ or reference to MHD Approval Letter or registration _____.
- (____) 4. A Special Foundation System (attach a copy of the drawing for this system and provide a reference, if applicable, to _____ any drawing previously submitted).

**IF NO METHOD IS CHECKED, IT WILL BE PRESUMED THAT OPTION 2
 (STATE GENERIC STANDARDS) WAS USED.**

To be submitted to the Department along with the required fee no later than the 7th day after which the installation is completed. The Installation Report (Form T) should no longer be submitted with the title documents.

Per §1201.206(i): On secondary moves the notice must be accompanied by either the original notice of installation or a certification that a true and correct copy of the notice of installation has been provided to the chief appraiser of the county where the home is installed. The delivery of the copy of the notice to the chief appraiser may be accomplished by either certified mail or by electronic mailing of the electronically reproduced document in a commonly readable format.

I verify that I am a licensed installer, that I am responsible for the installation described, and that the information supplied is true and correct. Executed this _____ day of _____, _____.

Signature (Retailer/Installer)

Name (print or type)

NOTE: A minimum of five (5) probationary installations must be inspected without violations for a probationary installer's license to become a full installer's license.

Department Use Only	
<input type="checkbox"/> Inspected Without Violations <input type="checkbox"/> Inspected With Violations <input type="checkbox"/> Not Inspected, Unit Skirted	<input type="checkbox"/> Not Inspected, Unable to Locate <input type="checkbox"/> Not Inspected, No Unit At Location <input type="checkbox"/> Not Inspected, Unit Not Accessible
Inspection Date: _____ HUD/Seal #: _____	
<i>I hereby certify on this _____ day of _____, 20____ that the above inspection results are true and correct to the best of my knowledge and belief.</i>	
Inspector Signature: _____ Printed Name: _____	

DRAW MAP BELOW



(39) Notice of Intent to Acquire Ownership of Abandoned Manufactured Home.

This notice must be sent by certified mail, return receipt requested, to the owner of record of the manufactured home described below and each lien holder, including any holder of a tax lien, reflected in the official records of the Texas Department of Housing and Community Affairs, Manufactured Housing Division, as of the date that this notice is sent.

**IMPORTANT NOTICE OF INTENT
TO ACQUIRE OWNERSHIP OF AN ABANDONED MANUFACTURED
HOME**

RE: Manufactured Home with HUD label, Texas Seal and/or Serial Number(s) _____
_____ (the "Home")

Name and address of owner(s) of record:

Name and address of 1st lienholder of record:

Name and address of 2nd lienholder of record:

**Name and address of Tax Assessor-Collector
where home is located:**

Dear _____:

The above-referenced Home is on my real property located at _____
_____ and appears to have been abandoned. It has
been continuously unoccupied for at least four months, and the following indebtedness, secured by the
Home, is delinquent (insert description of indebtedness including holder/payee):

**It is my INTENT TO DECLARE THE HOME ABDANDONED. It is my intent forty-five (45)
days from the date of this letter, to declare the Home to be abandoned and to apply to the Texas
Department of Housing and Community Affairs, Manufactured Housing Division, for a Statement of
Ownership and Location with respect to the Home, reflecting me to be the owner of the Home, free
and clear of any liens, all in accordance with Tex. Occ. Code, §1201.217.**

(Printed Name of Real Property Owner)

(Signature of Real Property Owner)

(40) Affidavit of Fact for Abandonment.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

Affidavit of Fact for Abandonment
(Sworn Statement)

BLOCK 1: Home Information

Manufacturer: _____ Model: _____
Serial Number: _____ Label # and/or Seal #: _____

BLOCK 2: Statement of Facts

I own the real property on which the manufactured home identified above is located. Such manufactured home has been continuously unoccupied for at least four (4) months. Any indebtedness secured by the manufactured home is delinquent. I have made reasonable efforts to locate and give notice to all owners and lienholders of record with the Department that I am seeking to acquire ownership of this manufactured home pursuant to Tex. Occ. Code, Section 1201.217, Manufactured Home Abandoned. The manufactured home has remained on the real property for at least forty-five (45) days after the date that each such notice was postmarked. As evidence that all notice requirements have been fulfilled and that I am entitled to a statement of ownership and location reflecting me as the owner of the manufactured home, I have attached a true and correct copy of each of the following documents:

- Each notice and the return receipt for certified mail that was sent to the following:
o Each owner of the home at the address(es) on the statement of ownership and location records of the Department.
o Each lienholder, including the county in which the home is located, and each holder of a recorded tax lien, on the statement of ownership and location records of the Department.
Evidence that any indebtedness secured by the manufactured home is delinquent. For any certified mail for which the return receipt indicated that such mail was unclaimed or undeliverable, I have made a reasonable effort to determine the location of the party to whom such mail was addressed and, if I could locate an alternative address, I sent them the same notice at the alternative address by certified mail, and copies of the return receipts for such certified mail are attached.

I certify that my ownership of the above-described real property is duly recorded in the deed or real property records for the county where such property is located.

BLOCK 3: Signatures (Notarization is REQUIRED)

(Signature)

(Signature)

Before me personally appeared the person(s) whose signature(s) appear above, who by being sworn, upon oath, say that the statements set forth hereinabove are true and correct. Subscribed and sworn before me this ____ day of _____ 20 ____.

(Name of Notary)

(Notary Public)

(Commission Expires)

SEAL

Notary Public State of Texas

(41) Disclosure to Consumer of Possible Need to Vacate Home if Financing does not close.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

Disclosure to Consumer
(Possible Need to Vacate Home if Financing does not Close)

BLOCK 1: Home Information

Manufacturer:_____	Model:_____
Serial Number:_____	Label No. and/or Seal No:_____
Square Footage:_____	Size:_____

BLOCK 2: Occupancy of a Manufactured Home Before Closing

A retailer must provide this disclosure prior to allowing a consumer to occupy a manufactured home before financing is complete, pursuant to Tex. Occ. Code, Section 1201.513(b).

(b) A retailer may not knowingly permit a consumer to occupy a manufactured home that is the subject of a sale, exchange, or lease-purchase to that consumer before the closing of any required financing unless the consumer is first given a form adopted by the board disclosing that if for any reason the financing does not close, the consumer may be required to vacate the home.

BLOCK 3: Signatures

_____ <i>(Signature)</i>	_____ <i>(Printed Name)</i>
_____ <i>(Signature)</i>	_____ <i>(Printed Name)</i>

(42) Application for Salesperson's License Renewal.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR SALESPERSON'S LICENSE RENEWAL

Renew your license in one of 3 ways:

- Renew online using a credit card or electronic check. For eligibility requirements and other information, visit us on the web at www.tdhca.state.tx.us/mh/industry-info.htm. Please help us improve by completing the survey afterward.
- Complete this application and mail it with the renewal fee to: TDHCA, P.O. Box 12489, Austin, Texas 78711-2489
- Deliver in person this completed application with the fee to MHD on the 1st floor at: 221 East 11th Street, Austin, Texas

Type	Renewal Fee	1 to 90 days late (1 ½ times the renewal)	90 to 364 days late (2 times the renewal fee)
Salesperson	\$200	\$300	\$400

BLOCK 1: Salesperson Information (Please type or print clearly.)

License Number: _____ Expiration Date: ____ / ____ / ____

Name: _____

Current Mailing Address: _____

City/State/ZIP: _____

Home Phone: _____

Work Phone: _____

Have you been convicted in Texas or any other state of a felony or misdemeanor offense, other than a Class C misdemeanor for a traffic violation, in the last 24 months? Yes No

If yes, please visit our website or contact our office to obtain a *Criminal Conviction Affidavit*.

BLOCK 2: Employer Information

Name of Sponsoring Retailer: _____

Sponsoring Retailer's Address: _____

City/State/ZIP: _____

Sponsoring Retailer's License#: _____

BLOCK 3: Certification

License is subject to revocation, if the Department is **NOT** notified in writing of any changes in the information given on this application or if there is a violation of the law. Evidence that the continuing education requirements of §1201.113 have been completed must be received by the Department before the license can be renewed.

With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents is true and correct.

 (Signature of Applicant)

 (Date)

 (Signature of Sponsoring Retailer)

 (Date)

Department Use Only: License Renewal Fee Received Date Received: ____ / ____ / ____

(43) Application for License Instruction Providers.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
 (800) 500-7074, (512) 475-2200 FAX (512) 475-3506
 Internet Address: www.tdhca.state.tx.us/mh/index.htm

APPLICATION FOR LICENSE INSTRUCTION PROVIDER

(Please type or print clearly.)

Check one: 20 Hour Initial Licensing Class 8 Hour Continuing Education Class

1. Legal Business Name:

2. Have you ever been an approved License Instruction Provider by TDHCA?

YES NO If yes, provide dates:

3. Physical Location Address:

City, State, ZIP and County

4. Phone:

Fax:

5. Mailing Address:

City, State, ZIP and County

6. Email Address:

7. Provide complete list of all instructors (additional instructors may be listed on a separate sheet). Attach biographies and credentials for each instructor.

Legal Name and Title	Mailing Address, City, State and ZIP	Phone

Certification

License Instruction Provider is subject to revocation, if the Department is **NOT** notified in writing of any changes in the information given on this application or if there is a violation of the law.

Included with this application is a true and correct copy of the course material to be used for said course.

With knowledge of penalties for false statements, I certify that to the best of my knowledge all information submitted on this application and on all attached documents are true and correct.

(Signature of Applicant or President, if incorporated) _____ (Date) _____

(Signature of Secretary, if incorporated) _____ (Date) _____

Department Use Only

Education:
 Copy of Course Material

Fees:
 \$300.00 Fee

Additional Requirements:
 Biography for each instructor
 Credentials for each instructor
 Schedule of fees to be charged for the course

Agenda Action Item No. 4

Preamble for Proposed Manufactured Housing Rules *Administrative Rules of the Texas Department of Housing and Community Affairs* *10 Texas Administrative Code, Chapter 80*

The Manufactured Housing Division of the Texas Department of Housing and Community Affairs (the “Department”) proposes to amend 10 TAC, Chapter 80, §80.100 relating to the regulation of the manufactured housing program. A new form is proposed to assist the tax assessor-collectors in complying with requirements to provide a tax statement pursuant to §1201.206(g) of the Occupations Code.

Section 80.100(a) –Added number (44) to the list of forms.

Figure: 10 TAC §80.100(b)(44) - New Statement from Tax Assessor-Collector form to meet requirements of §1201.206(g) of the Standards Act.

Joe A. Garcia, Executive Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs, has determined that for the first five-year period that the proposed rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these sections. There will be no effect on small or micro-businesses because of the proposed amendments. There are no anticipated economic costs to persons who are required to comply with the proposed rules.

Mr. Garcia also has determined that for each year of the first five years that the proposed rules are in effect the public benefit as a result of enforcing the amendments will be to provide clarification of procedures and compliance with the Standards Act.

Mr. Garcia has also determined that for each year of the first five years the proposed rules are in effect there should be no adverse effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

If requested, the Department will conduct a public hearing on this rulemaking, pursuant to the Administrative Procedure Act, Texas Government Code §2001.029. The request for a public hearing must be received by the Department within 15 days after publication.

Comments may be submitted to Mr. Joe A. Garcia, Executive Director of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs, P. O. Box 12489, Austin, Texas 78711-2489 or by e-mail at the following address joe.garcia@tdhca.state.tx.us. The deadline for comments is no later than 30 days from the date that these proposed rules are published in the *Texas Register*.

The amended sections are proposed under the Texas Manufactured Housing Standards Act, Occupations Code, Chapter 1201, §1201.052, which provides the Department with authority to amend, add, and repeal rules governing the Manufactured Housing Division of the Department and under Texas Government Code, Chapter 2306, §§2306.6014 and 2306.6020, which authorizes the board to adopt rules as necessary and the director to administer and enforce the manufactured housing program through the Manufactured Housing Division.

The agency hereby certifies that the proposed amendments have been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

No other statutes, codes, or articles are affected by the proposed rules.

PROPOSED SUBCHAPTER I. FORMS

(For Publication in the Texas Register after Adoption of Proposed §80.100 is Effective.)

§80.100. List of Forms.

- (a) The following list is in numerical order with the forms located in subsection (b) of this section.
- (1) Application for Manufacturer's License.
 - (2) Application for Retailer, Broker, Installer and/or Rebuilder's License.
 - (3) Application for Retailer with Branch Locations License.
 - (4) Application for Salesperson's License.
 - (5) Licensing Surety Bond.
 - (6) Licensing Security Agreement.
 - (7) Manufacturer's Certificate of Origin (MCO).
 - (8) Consumer Disclosure Statement.
 - (9) Warranty and Disclosure for a Used Manufactured Home.
 - (10) Retail Monitoring Checklist.
 - (11) Consumer Notice of Licensed and Bonded Location.
 - (12) Notice and Informed Consent to Installation on an Improperly Prepared Site.
 - (13) Formaldehyde Notice.
 - (14) Texas Inventory Finance Security Form.
 - (15) Broker Disclosure Form.
 - (16) Notice of Installation (Form T).
 - (17) Installation Checklist.
 - (18) Estimate for Reassigned Warranty Work.
 - (19) Application for Statement of Ownership and Location.
 - (20) Affidavit of Fact for Real Property.
 - (21) Affidavit of Fact.
 - (22) Affidavit of Error.
 - (23) Affidavit of Fact for Right of Survivorship.
 - (24) Addendum to Application for SOL.
 - (25) Release or Foreclosure of Lien (Form B).
 - (26) Statement of Inheritance (Form C).
 - (27) Taxing Entity Application for Texas Seal (Form S).
 - (28) Multiple Application Log (Form M).
 - (29) Instructions to Third Party Closer.
 - (30) Notice of Lien for Tax Lien/Release Form.
 - (31) Notice of Lien to Perfect a Lien (Other than Tax Lien) Form.
 - (32) Notification of filing status as a Central Tax Collector.

- (33) Site Preparation Notice Form.
- (34) Sample of Statement of Ownership and Location.
- (35) Application for License Renewal (other than a salesperson).
- (36) Right of Rescission Waiver Form.
- (37) List of Unlicensed Installers Form.
- (38) Probationary Notice of Installation (Form T).
- (39) Notice of Intent to Acquire Ownership of an Abandoned Home.
- (40) Affidavit of Fact for Abandonment.
- (41) Disclosure to Consumer (Possible Need to Vacate Home if Financing does not Close).
- (42) Application for Salesperson's License Renewal.
- (43) Application for License Instruction Provider.
- (44) Statement from Tax Assessor-Collector.**

(b) Forms.

Forms (1) - (43) (No change.)

(44) Statement from Tax Assessor-Collector.

Texas Department of Housing and Community Affairs

MANUFACTURED HOUSING DIVISION

P. O. BOX 12489 Austin, Texas 78711-2489
(800) 500-7074, (512) 475-2200 FAX (512) 475-1109
Internet Address: www.tdhca.state.tx.us/mh/index.htm

STATEMENT FROM TAX ASSESSOR-COLLECTOR
To meet the requirements of Texas Occupations Code 1201.206(g)

BLOCK 1: Home Information

Manufacturer: Model:
Serial Number: Label # and/or Seal #:
Tax Roll Physical Address:
Account No.:

BLOCK 2: Statement of Facts

Used to confirm that taxes have been paid and/or escrowed enabling the transfer of ownership of a used manufactured home (providing all other requirements are met).

Check either A, B, or C: Date of Sale: / /

- A. Not on the tax roll
This home is not on the tax roll for this county.
B. The present tax year has been billed:
The present and previous year's taxes have been billed and paid. There are NO PERSONAL PROPERTY TAXES DUE.
C. The present tax year has NOT BEEN billed:
The previous tax year has been billed and paid in full. No taxes are due.
The current tax year has not been billed (levied), but taxes have been estimated, paid and placed in escrow and any difference owed will be due when taxes are billed.

BLOCK 3: Signature (Notarization is optional)

(Signature of tax assessor-collector's authorized representative)

(Name of County making this statement)

(Printed name and title of authorized representative)

Before me personally appeared the person (s) whose signature (s) appear above, who by being sworn, upon oath, say that the statements set forth hereinabove are true and correct. Subscribed and sworn before me this ___ day of _____ 20 ___.

(Name of Notary)

(Notary Public)

(Commission Expires)

SEAL

Notary Public State of Texas

Agenda Action Item No. 5



**TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
MANUFACTURED HOUSING DIVISION**

Rick Perry
GOVERNOR

Joe A. Garcia
EXECUTIVE DIRECTOR

Board Members
Presiding Officer, Michael H. Bray
Carlos Amaral
Pablo Schneider
Kimberly A. Shambley

TO: Governing Board of the Manufactured Housing Division of the Texas Department of Housing and Community Affairs

FROM: Amanda Ellis, Assistant Attorney General

THROUGH: Joe A. Garcia, Executive Director

SUBJECT: Summary of Proposal for Decision

Shawn Fuller d/b/a D&S Mobile Home Center, (“Respondent”)

Docket Number: 332-08-1444

Complaint Number: MHD2007000313-LRV

Background

It was found and determined by the staff of the Manufactured Housing Division that:

On February 4, 2006, March 27, 2006, and May 5, 2006, Respondent filed applications for SOLs for the manufactured homes identified by HUD Label Numbers TEX0556556, HWC0241789/90 and HWC0289229/30 respectively. Respondent had also filed notices of intent to declare the home abandoned on the basis that the homes were owned by others and unoccupied for at least four consecutive months while located on Respondent’s property. It was later determined that the homes were actually owned by the Respondent. By having the homes declared abandoned and having the SOL transferred to Respondent, he would have been able to avoid paying outstanding tax liens existing on the homes.

It is the position of staff that the Statement of Ownership and Location, Certificate Number MH00151576, for the manufactured home identified by Serial Number CLW004766TX, HUD Label Number TEX 0556556 should be revoked and that the Respondent's applications for Statements of Ownership and Locations for two additional manufactured homes identified by HUD Label Numbers HWC0241789 and HWC0241790, and HUD Label Numbers HWC0289229 and HWC0289230, respectively be denied.

Proposal for Decision

The Proposal for Decision dated March 6, 2008, recommends that the SOL for Certificate Number MH00151576 be denied and that the SOLs for two additional manufactured homes identified by HUD Label Numbers HWC0241789 and HWC0241790, and HUD Label Numbers HWC0289229 and HWC0289230, respectively be denied.

Recommendation

It is recommended that the Board approve the following administrative action with respect to the Respondent, SOL and SOL applications, as supported by the record and the PFD.

DOCKET NO. 332-08-1444

**MANUFACTURED HOUSING
DIVISION OF THE TEXAS
DEPARTMENT OF HOUSING
AND COMMUNITY AFFAIRS**
Petitioner,

v.

**SHAWN FULLER D/B/A D&S
MOBILE HOME CENTER,**
Respondent.

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BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

FINAL DECISION AND ORDER OF THE DIRECTOR

Came on for consideration this day the above-styled and numbered case. After proper notice was given, the above-styled and numbered case was heard by an Administrative Law Judge, who made and filed a proposal for decision containing findings of fact and conclusions of law. This proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record herein.

The Executive Director, after review and due consideration, adopts all the findings of fact and conclusions of law of the Administrative Law Judge contained in the proposal for decision dated March 6, 2008, into this Order as if such were fully set out and separately contained herein. All proposed findings of fact and conclusions of law submitted by any party which are not specifically adopted herein are denied.

This contested-case hearing was provided pursuant to Texas Occupations Code sections 1201.054 and 1201.060. This proposal for decision was properly served on all parties, who were given an opportunity to file exceptions and replies as part of the administrative record.

NOW, THEREFORE, IT IS ORDERED BY THE GOVERNING BOARD OF THE MANUFACTURED HOUSING DIVISION OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS THAT:

1. The Statement of Licensing and Ownership, Certificate Number MH00151576, for the manufactured home identified by Serial Number CLW004766TX, HUD Label Number TEX 0556556 be revoked.
2. The Respondent's applications for Statements of Licensing and Ownership for two additional manufactured homes identified by HUD Label Numbers HWC0241789

and HWC0241790, and HUD Label Numbers HWC0289229 and HWC0289230, respectively be denied.

3. **In the event the final decision is appealed by the Respondent, the full cost of the preparation of the transcript and all administrative costs authorized by Ch. 2001, are hereby assessed against the Respondent; and**
4. The invalidity of any portion of this FINAL ORDER shall not affect the validity of the remaining portions of the order.
5. The determination of the Texas Department of Housing and Community Affairs in the above-captioned matter is approved. The Respondent **SHALL CEASE AND DESIST** from violating the Act and Rules of the Texas Department of Housing and Community Affairs.

SIGNED AND ENTERED this _____ day of _____, 2008.

Michael Bray, Presiding Officer, on behalf of
Governing Board of the Manufactured Housing Division
Texas Department of Housing and Community Affairs

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

March 6, 2008

RECEIVED
MAR 06 2008
ADMINISTRATIVE
LAW DIVISION

Tim Irvine
Executive Director
Texas Department of Housing
and Community Affairs, Manufactured Housing Division
507 Sabine St., 10th Floor
Austin, Texas 78711-2489

VIA HAND DELIVERY

RE: Docket No. 332-08-1444; Manufactured Housing Division of the Texas Department of Housing and Community Affairs v. Shawn Fuller d/b/a D&S Mobile Home Center

Dear Mr. Irvine:

Please find enclosed a Proposal for Decision in this case. It contains my recommendation and underlying rationale.

Exceptions and replies may be filed by any party in accordance with 1 TEX. ADMIN. CODE § 155.59(c), a SOAH rule which may be found at www.soah.state.tx.us.

Sincerely,

A handwritten signature in black ink that reads "Craig R. Bennett".

Craig R. Bennett
Administrative Law Judge

CRB/lr
Enclosure

xc: Amanda J. Ellis, Assistant Attorney General, Office of the Attorney General, Administrative Law Division, P. O. Box 12548, Capitol Station, Austin, TX 78711-2548 - VIA HAND DELIVERY
Jim Hicks, Texas Department of Housing and Community Affairs, Manufactured Housing Division, 507 Sabine St., 10th Floor, Austin, TX 78711-2489 - VIA HAND DELIVERY
Shawn Fuller, D&S Mobile Home Center, Inc., Lubbock, TX 79408-1961 - VIA REGULAR MAIL

William P. Clements Building
Post Office Box 13025 ♦ 300 West 15th Street, Suite 502 ♦ Austin Texas 78711-3025
(512) 475-4993 Docket (512) 475-3445 Fax (512) 475-4994
<http://www.soah.state.tx.us>

SOAH DOCKET NO. 332-08-1444

MANUFACTURED HOUSING DIVISION § BEFORE THE STATE OFFICE
OF THE TEXAS DEPARTMENT OF §
HOUSING AND COMMUNITY §
AFFAIRS, §
PETITIONER §
V. § OF
SHAWN FULLER d/b/a D&S MOBILE §
HOME CENTER, §
RESPONDENT § ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This proceeding was initiated when Shawn Fuller d/b/a D&S Mobile Home Center (Respondent) requested a hearing on the decisions of the Manufactured Housing Division (Division) of the Texas Department of Housing and Community Affairs revoking and/or denying Statements of Ownership and Location (SOL) requested by him. Despite being sent proper notice, Respondent did not appear at the hearing. The Division did appear and presented evidence supporting its underlying decisions. After considering such evidence, the Administrative Law Judge (ALJ) agrees with the Division's decisions and finds that the SOLs requested by Respondent were properly revoked and/or denied.¹

I. PROCEDURAL HISTORY

The hearing convened on March 3, 2008, before ALJ Craig R. Bennett in the William P. Clements Building, 300 West 15th Street, Fourth Floor, Austin, Texas. The Division was represented by Amanda Ellis, Assistant Attorney General. Respondent did not appear and was not represented at the hearing. The Division offered competent evidence establishing that appropriate notice of the hearing was provided to Respondent. All matters of notice and jurisdiction are set forth in the Findings of Fact and Conclusions of Law without further discussion here.

¹ Respondent submitted three separate applications. One was improperly granted, and it was later revoked by the Division. The other two were simply denied by the Division.

II. FINDINGS OF FACT

1. On February 4, 2006, Shawn Fuller d/b/a D&S Mobile Home Center (Respondent) filed an application with the Manufactured Housing Division (Division) of the Texas Department of Housing and Community Affairs for a Statement of Ownership and Location (SOL) for a mobile home with the serial number CLW004766TX.
2. On March 27, 2006, Respondent filed an application for an SOL for a mobile home with the serial number CW2003307TXA and B.
3. On May 5, 2006, Respondent filed an application for an SOL for a mobile home with the serial number CW2006574TXA and B.
4. For each of the mobile homes identified in the three above Findings of Fact, Respondent had filed notices of intent to declare the homes abandoned, on the basis that they had been owned by others and unoccupied for at least four consecutive months while located on Respondent's property.
5. The homes were not owned by others at the time that Respondent sought to have them declared as abandoned, but rather were owned by Respondent.
6. Respondent's assertions that the homes had been abandoned were false.
7. By having the homes declared abandoned and having title transferred to him on that basis, Respondent would have been able to avoid paying outstanding tax liens that existed on the homes.
8. The SOL for the mobile home with serial number CLW004766TX was erroneously issued by the Division based upon false information provided by Respondent regarding the abandonment of the home.
9. On November 29, 2006, the Division advised Respondent that it was revoking the SOL for the mobile home with serial number CLW004766TX, and was denying the SOLs for the mobile homes with serial numbers CW2003307TXA and B and CW2006574TXA and B.
10. On December 28, 2006, Respondent requested a hearing on the revocation and denials of his SOL requests.
11. On January 17, 2008, the Division mailed its notice of administrative hearing to Respondent, advising of the basis of its actions and providing information regarding the hearing.

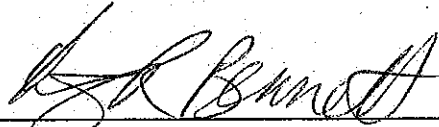
12. The notice was mailed to Respondent's address of record at P.O. Box 1961, Lubbock, Texas 79408, by both U.S. regular first class mail and certified mail, return receipt requested. This address is contained in the Division's official records as the last known address for Respondent provided to the Division.
13. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing would be held; a reference to the particular sections of the statutes and rules involved; and a short, plain, statement of the matters asserted.
14. The notice of hearing advised Respondent in 12-point bold-faced type that failure to appear at the hearing could result in the factual allegations within the notice being deemed true and the granting by default of the relief sought in the notice.
15. The hearing was convened before Administrative Law Judge Craig R. Bennett at the State Office of Administrative Hearings on March 3, 2008, in the William P. Clements Building, 300 W. 15th St., Austin, Texas.
16. The Division appeared at the hearing and was represented by Amanda Ellis, Assistant Attorney General. Respondent did not appear at the hearing.

III. CONCLUSIONS OF LAW

1. The Division has jurisdiction over this matter pursuant to the Texas Manufactured Housing Standards Act ("the Act"), specifically TEX. OCC. CODE ANN. §§ 1201.209 and 1201.210.
2. The State Office of Administrative Hearings has jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law pursuant to TEX. GOV'T CODE ANN. ch. 2003.
3. Notice of hearing was sent to Respondent in accordance with TEX. GOV'T CODE ANN. ch. 2001; 1 TEX. ADMIN. CODE § 155.55; and 10 TEX. ADMIN. CODE § 1.12(c).
4. To acquire title to a manufactured home through abandonment, the home must be owned by another at the time of title transfer. TEX. OCC. CODE ANN. § 1201.217(a).
5. Respondent was not entitled to the SOLs sought by him for the mobile homes with serial numbers CLW004766TX, CW2003307TXA and B, and CW2006574TXA and B, because he falsely claimed the homes were acquired by him through abandonment. TEX. OCC. CODE ANN. § 1201.209(1) and 1201.217(a).

6. Based on the above Findings of Fact and Conclusions of Law, the Division correctly revoked the SOL for the mobile home with serial number CLW004766TX, and correctly denied the SOLs for the mobile homes with serial numbers CW2003307TXA and B and CW2006574TXA and B. TEX. OCC. CODE ANN. § 1201.209(1) and 1201.217(a).

SIGNED March 6, 2008.



CRAIG R. BENNETT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS
1000 WEST 13TH AVENUE
DENVER, COLORADO 80202
303-866-2000
WWW.SOAHEARINGS.COM