

TEXAS PROPERTY CODE
TITLE 8. LANDLORD AND TENANT
CHAPTER 94. MANUFACTURED HOME TENANCIES
SUBCHAPTER A. GENERAL PROVISIONS
§ 94.001. Definitions
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§ 94.001. Definitions

In this chapter:

- (1) "Landlord" means the owner or manager of a manufactured home community and includes an employee or agent of the landlord.
- (2) "Lease agreement" means a written agreement between a landlord and a tenant that establishes the terms, conditions, and other provisions for placing a manufactured home on the premises of a manufactured home community.
- (3) "Manufactured home" has the meaning assigned by Section 1201.003, Occupations Code, and for purposes of this chapter, a reference to a manufactured home includes a recreational vehicle.
- (4) "Manufactured home community" means a parcel of land on which four or more lots are offered for lease for installing and occupying manufactured homes.
- (5) "Manufactured home community rules" means the rules provided in a written document that establish the policies and regulations of the manufactured home community, including regulations relating to the use, occupancy, and quiet enjoyment of and the health, safety, and welfare of tenants of the manufactured home community.
- (6) "Manufactured home lot" means the space allocated in the lease agreement for the placement of the tenant's manufactured home and the area adjacent to that space designated in the lease agreement for the tenant's exclusive use.
- (7) "Normal wear and tear" means deterioration that results from intended use of the premises, including breakage or malfunction due to age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident, or abuse of the premises, equipment, or chattels by the tenant, a member of the tenant's household, or a guest or invitee of the tenant.
- (8) "Park model unit" means a recreational vehicle that is designed primarily as temporary living quarters for recreation, camping, or seasonal use and that is built on a single chassis, mounted on wheels, and has a gross trailer area not exceeding 400 square feet in the set-up mode.
- (9) "Premises" means a tenant's manufactured home lot, any area or facility the lease authorizes the tenant to use, and the appurtenances, grounds,

and facilities held out for the use of tenants generally.

(10) "Recreational vehicle" means a vehicle that is primarily designed as a temporary living quarters for recreational camping or travel use and that is permanently tied to, affixed, or anchored to the premises as in the case of a park model unit.

(11) "Tenant" means a person who is:

- (A) authorized by a lease agreement to occupy a lot to the exclusion of others in a manufactured home community; and
- (B) obligated under the lease agreement to pay rent, fees, and other charges.

§ 94.002. Applicability

(a) This chapter applies only to the relationship between a landlord who leases property in a manufactured home community and a tenant leasing property in the manufactured home community for the purpose of situating a manufactured home or a recreational vehicle on the property.

(b) This chapter does not apply to the relationship between:

- (1) a landlord who owns a manufactured home and a tenant who leases the manufactured home from the landlord;
- (2) a landlord who leases property in a manufactured home community and a tenant leasing property in the manufactured home community for the placement of personal property to be used for human habitation, excluding a manufactured home or a recreational vehicle; or
- (3) a landlord and an employee or an agent of the landlord.

§ 94.003. Waiver of Rights and Duties

A provision in a lease agreement or a manufactured home community rule that purports to waive a right or to exempt a landlord or a tenant from a duty or from liability under this chapter is void.

§ 94.004. Landlord's Right of Entry

(a) Except as provided by this chapter, the landlord may not enter a tenant's manufactured home unless:

- (1) the tenant is present and gives consent; or
- (2) the tenant has previously given written consent.

(b) The written consent under Subsection (a)(2) must specify the date and time entry is permitted and is valid only for the date and time specified. The tenant may revoke the consent without penalty at any time by notifying the landlord in writing that the consent has been revoked.

(c) The landlord may enter the tenant's manufactured home in a reasonable manner and at a reasonable time if:

- (1) an emergency exists; or
- (2) the tenant abandons the manufactured home.

§ 94.005. Common Area Facilities

Each common area facility, if any, must be open or available to tenants. The landlord shall post the hours of operation or availability of the facility in a conspicuous place at the facility.

§ 94.006. Tenant Meetings

(a) Except as provided by Subsection (b), a landlord may not interfere with meetings by tenants of the manufactured home community related to manufactured home living.

(b) Any limitations on meetings by tenants in the common area facilities must be included in the manufactured home community rules.

§ 94.007. Cash Rental Payments

(a) A landlord shall accept a tenant’s cash rental payment unless the lease agreement requires the tenant to make rental payments by check, money order, or other traceable or negotiable instrument.

(b) A landlord who receives a cash rental payment shall:
(1) provide the tenant with a written receipt; and
(2) enter the payment date and amount in a record book maintained by the landlord.

(c) A tenant or a governmental entity or civic association acting on the tenant’s behalf may file suit against a landlord to enjoin a violation of this section.

§ 94.008. Manufactured Home Community Rules

(a) A landlord may adopt manufactured home community rules that are not arbitrary or capricious.

(b) Manufactured home community rules are considered part of the lease agreement.

(c) The landlord may add to or amend manufactured home community rules. If the landlord adds or amends a rule:

- (1) the rule is not effective until the 30th day after the date each tenant is provided with a written copy of the added or amended rule; and
- (2) if a tenant is required to take any action that requires the expenditure of funds in excess of \$25 to comply with the rule, the landlord shall give the tenant at least 90 days after the date each tenant is provided with a written copy of the added or amended rule to comply with the rule.

§ 94.009. Notice to Tenant at Primary Residence

(a) If, at the time of signing a lease agreement or lease renewal, a tenant gives written notice to the tenant’s landlord that the tenant does not occupy the manufactured home lot as a primary residence and requests in writing that the landlord send notices to the tenant at the tenant’s primary residence and provides to the landlord the address of the tenant’s primary residence, the landlord shall mail to the tenant’s primary residence all notices required by

the lease agreement, by this chapter, or by Chapter 24.

(b) The tenant shall notify the landlord in writing of any change in the tenant’s primary residence address. Oral notices of change are insufficient.

(c) A notice to a tenant’s primary residence under Subsection (a) may be sent by regular United States mail and is considered as having been given on the date of postmark of the notice.

(d) If there is more than one tenant on a lease agreement, the landlord is not required under this section to send notices to the primary residence of more than one tenant.

(e) This section does not apply if notice is actually hand delivered to and received by a person 16 years of age or older occupying the leased premises.

§ 94.010. Disclosure of Ownership and Management

(a) A landlord shall disclose to a tenant, or to any governmental official or employee acting in an official capacity, according to this section:

- (1) the name and either a street or post office box address of the holder of record title, according to the deed records in the county clerk’s office, of the premises leased by the tenant or inquired about by the governmental official or employee acting in an official capacity; and
- (2) if an entity located off-site from the manufactured home community is primarily responsible for managing the leased premises, the name and street address of that entity.

(b) Disclosure to a tenant under Subsection (a) must be made by:

- (1) giving the information in writing to the tenant on or before the seventh day after the date the landlord receives the tenant’s written request for the information;
- (2) continuously posting the information in a conspicuous place in the manufactured home community or the office of the on-site manager or on the outside of the entry door to the office of the on-site manager on or before the seventh day after the date the landlord receives the tenant’s written request for the information; or
- (3) including the information in a copy of the tenant’s lease or in written manufactured home community rules given to the tenant before the tenant requests the information.

(c) Disclosure of information to a tenant may be made under Subsection (b)(1) or (2) before the tenant requests the information.

(d) Disclosure of information to a governmental official or employee must be made by giving the information in writing to the official or employee on or before the seventh day after the date the landlord receives a written request for the information from the official or employee.

(e) A correction to the information may be made by any of the methods authorized and must be made within the

period prescribed by this section for providing the information.

(f) For the purposes of this section, an owner or property manager may disclose either an actual name or an assumed name if an assumed name certificate has been recorded with the county clerk.

(g) A landlord who provides information under this section violates this section if:

(1) the information becomes incorrect because a name or address changes; and

(2) the landlord fails to correct the information given to a tenant on or before the 15th day after the date the information becomes incorrect.

§ 94.011. Landlord's Agent for Service of Process

(a) In a lawsuit by a tenant to enforce a legal obligation of the owner as landlord of the manufactured home community, the owner's agent for service of process is determined according to this section.

(b) The owner's management company, on-site manager, or rent collector for the manufactured home community is the owner's authorized agent for service of process unless the owner's name and business street address have been furnished in writing to the tenant.

§ 94.012. Venue

Venue for an action under this chapter is governed by Section 15.0115, Civil Practice and Remedies Code.