

MEMORANDUM

To: City of Seguin Mayor and Council Members
Douglas Faseler, City Manager

From: Pamela Centeno, Director of Planning & Codes

Through: Rick Cortes, Assistant City Manager

Subject: **Presentation on State and Local Laws that impact mobile, manufactured, and modular homes within a municipality's city limits.**

Date: May 16, 2019

The City of Seguin has received numerous inquiries about the modular (industrialized) home recently permitted at 109 Tomahawk Trail. Prior to issuance of the building permit, City staff received and confirmed documentation that showed that the house has been inspected by the Texas Department of Licensing and Regulation (TDLR) and has been certified as a modular home. A modular home is not the same as a manufactured home. Modular homes are constructed to the same building codes as site built housing. Manufactured homes are constructed to federal HUD codes. Following the numerous inquiries about the home, City staff contacted a representative at TDLR with the serial number of the home located at 109 Tomahawk Trail and it was confirmed by TDLR that the home meets the requirements and is registered as a modular home.

The State of Texas limits what authorities a municipality has in regards to modular (industrialized) housing. In accordance with State law, a municipality may not prohibit modular housing from being placed inside the city limits. Furthermore, the City must allow them in areas zoned for single family dwelling and cannot restrict modular homes to areas zoned for manufactured housing. In 2003, the State of Texas enacted laws giving municipalities the ability to adopt additional regulations for the placement of modular homes in the city limits. That same year the City of Seguin proactively adopted the regulations in order to regulate industrialized housing to the extent permitted by State law. These regulations include the requirement that a modular home have a value equal to or greater than the median value of all dwellings located on lots within 500' of the lot. These values are to be determined by the appraisal rolls of the county. The State regulations also allow limited control on exterior siding, roofing, foundation fascia, and

fenestration of the modular home. In addition, a municipality can require that the structure be securely fixed to a permanent foundation, which is defined by locally adopted building codes. The foundation is not required to be a slab on grade foundation. There are many other permanent foundations. The engineered foundation designed for the modular home, is a permanent foundation and meets City building codes. As previously noted, City staff has verified that the modular home located at 109 Tomahawk Trail meets the State and local regulations for placement on the lot.

State law specifically prohibits a municipality from adopting a regulation that is more restrictive for modular homes than is required for new single-family homes constructed on-site. There are significant differences between mobile homes, manufactured homes, and modular homes and the State laws that dictate how municipalities can regulate them. City staff will make a presentation at the City Council meeting on May 21, 2019 identifying how State laws impact the City of Seguin's ability to regulate mobile, manufactured, and modular homes. The presentation will include an overview of the local ordinances that the City has adopted based on the laws passed by the State of Texas.