HLS 23RS-744 REENGROSSED

2023 Regular Session

HOUSE BILL NO. 385

BY REPRESENTATIVE DEVILLIER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HOUSING/MANUFACTURED: Provides relative to manufactured housing

1	AN ACT
2	To amend and reenact R.S. 51:911.22(4), 911.24(A)(2) and (6), 911.26(B)(1), and
3	912.23(1)(f) and to enact R.S. 51:911.24(I)(4), 911.26(F)(12), and 911.47, relative
4	to manufactured housing; to provide for definitions; to provide for certain licensure
5	and supervision requirements; to provide for terms of office for state manufactured
6	housing commissioners; to provide for the powers and duties of the Louisiana
7	Manufactured Housing Commission; to allow use of manufactured housing by
8	certain persons; to provide guidelines for manufactured housing piers; and to provide
9	for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 51:911.22(4), 911.24(A)(2) and (6), 911.26(B)(1), and 912.23(1)(f)
12	are hereby amended and reenacted and R.S. 51:911.24(I)(4), 911.26(F)(12), and 911.47 are
13	hereby enacted to read as follows:
14	§911.22. Definitions
15	As used in this Part, unless the context requires a different definition:
16	* * *
17	(4)(a) "Developer" means any person, group of persons, firm, partnership,
18	corporation, association, company, or legal entity who sells or offers for sale that
19	sells, leases, or offers for sale or lease to the public a lot together with a
20	manufactured home permanently installed and fixed on a foundation on the lot and
21	designed as a single family residence. For purposes of this Part, "developer" shall

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1	include includes "contractors" and "residential contractors" as defined in R.S.
2	37:2157 <u>37:2150.1</u> .
3	(b) "Developer" shall not include any of the following:
4	(i) An an individual selling his personal residence, or.
5	(ii) A a real estate broker or real estate salesman retained by a person to sell
6	a manufactured home together with a lot on which the manufactured home has been
7	installed and fixed on a foundation.
8	(iii) A federally insured financial institution, its subsidiaries, or affiliates.
9	* * *
10	§911.24. License required; qualifications; application; issuance; transfer; criminal
11	history record information
12	A.
13	* * *
14	(2) No developer shall sell or offer for sale sell, lease, or offer for sale or
15	<u>lease</u> to the public any manufactured or modular home unless he has obtained a
16	license from the commission, as provided in this Part. No employee of a developer
17	shall offer manufactured or modular housing for sale or lease to the general public
18	without first obtaining a salesman license or being a licensed real estate agent.
19	* * *
20	(6) No retailers or developers shall offer for sale or lease to the public any
21	new manufactured or modular home unless the manufacturer of the home has
22	obtained a valid manufacturer's license.
23	* * *
24	I.
25	* * *
26	(4) An unlicensed salesman may work under a properly licensed dealer or
27	developer, only while his license application is pending before the commission, if
28	the managing dealer or developer supervises the unlicensed salesman.
29	* * *

1	§911.26. Louisiana Manufactured Housing Commission
2	* * *
3	B.(1) The term of office of each commissioner shall be coterminous with that
4	of the governor making his appointment, and each commissioner shall serve until his
5	successor is appointed and is qualified. However, the term of office of any member
6	appointed from within a specific Public Service Commission district as provided
7	above in this Paragraph shall automatically expire if that member moves out of such
8	Public Service Commission district. <u>If a commissioner misses more than three</u>
9	meetings in a twelve-month period, the commissioner's term shall be declared
10	vacant. In the event of any vacancy, whether by death, resignation, removal,
11	expiration of term, or otherwise, the vacancy shall be filled for the unexpired portion
12	of the term in the manner in which the original appointment was made.
13	* * *
14	F. The powers and duties of the commission shall include but are not limited
15	to the following:
16	* * *
17	(12) Conducting meetings by remote access.
18	* * *
19	§911.47. Use of model manufactured and modular homes
20	Notwithstanding any provision of law to the contrary, a licensed dealer or
21	developer shall be allowed to use a manufactured and modular home model to
22	conduct all sales-related activity at the location of sales of manufactured and
23	modular homes. Such use includes but is not limited to signing contracts, making
24	copies or calls, showing manufactured and modular home models, or engaging in any
25	other sales-related activity.
26	* * *
27	§912.23. Foundations and piers
28	The following guidelines shall be used when the installation of foundations
29	and piers is not specified in the manufacturer's instructions or when the
30	manufacturer's installation instructions are not available:

1 (1) Piers:

2 * * * *

3 (f) Metal or precast support piers shall be installed on a base or footer of a

4 minimum size of four inch by sixteen eight inch by sixteen inch solid concrete or

5 other approved material.

6 * * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 385 Reengrossed

2023 Regular Session

DeVillier

Abstract: Provides guidelines for the La. Manufactured Housing Commission and for the sale and lease of manufactured housing.

<u>Present law</u> defines "developer" as any person, group, or entity who sells or offers for sale a lot together with a manufactured home.

<u>Proposed law</u> retains <u>present law</u> and adds that a developer is also any person, group, or entity who leases or offers for lease a lot together with a manufactured home.

<u>Present law</u> provides that a developer shall not include a person selling his personal residence or a real estate broker or real estate salesman retained by a person to sell a manufactured home with its lot.

<u>Proposed law</u> retains <u>present law</u> and adds that a developer shall also not include a federally-insured financial institution, its subsidiaries, or affiliates.

<u>Present law</u> provides that a developer, an employee of the developer, or a retailer shall not sell or offer for sale any manufactured home without a license.

<u>Proposed law</u> retains <u>present law</u> and adds that a developer, an employee of a developer, or a retailer shall not lease or offer for lease any manufactured home without a license.

<u>Proposed law</u> provides that an unlicensed salesman may work under the supervision of a licensed dealer or developer while the salesman's license application is pending.

<u>Present law</u> provides the term of office and vacancy procedure for the state manufactured housing commissioners.

<u>Proposed law</u> retains <u>present law</u> and adds that if a commissioner misses more than three meetings in a 12-month period that commissioner's term shall be declared vacant.

<u>Present law</u> provides certain powers and duties of the La. Manufactured Housing Commission.

<u>Proposed law</u> retains <u>present law</u> and adds that the commission has the power to conduct meetings by remote access.

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<u>Proposed law</u> provides that manufactured and modular home models may be used by licensed dealers or developers under certain circumstances.

<u>Present law</u> provides certain guidelines for pier installation for manufactured homes.

<u>Proposed law</u> changed the minimum size of the base for a pier <u>from</u> 4 inch x 16 inch.

(Amends R.S. 51:911.22(4), 911.24(A)(2) and (6), 911.26(B)(1), and 912.23(1)(f); Adds R.S. 51:911.24(I)(4), 911.26(F)(12), and 911.47)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Commerce</u> to the <u>original</u> bill:

- 1. Make technical changes.
- 2. Provide that commission has the power to conduct meetings by remote access.

The House Floor Amendments to the engrossed bill:

- 1. Make technical changes.
- 2. Add a provision that a developer shall not include a federally-insured financial institution, its subsidiaries, or affiliates.