

Tiny Homes & RV Parks

Presentation

TACERA Conference 2022

McLennan County Engineering Dept.



Zane W. Dunnam, P.E.
County Engineer



Questions . . . Questions . . . Questions

1. What is a Tiny Home?
2. Is a Tiny Home the same as a Log Cabin, Barndominium, Shack, RV, Hunting Lodge, Mobile Home, Trailer House?
3. What's the Difference between a Tiny Home and a Big House?
4. What's the Difference between Mobile Home vs. Manufactured Home vs. Modular Home vs. Trailer House vs. RV?
5. Is an RV Park or Mobile Home Park a *SUBDIVISION*?

Question #1 - What is a Tiny Home?

Is this this a Tiny Home?



Question #1 - What is a Tiny Home?

How about this one?



Question #1 - What is a Tiny Home?

What about this one?



Question #1 - What is a Tiny Home?

Surely this is a Tiny Home



Question #1 - What is a Tiny Home?

Hmmm . . .



Question #1 - What is a Tiny Home?

Does Size Really Matter?

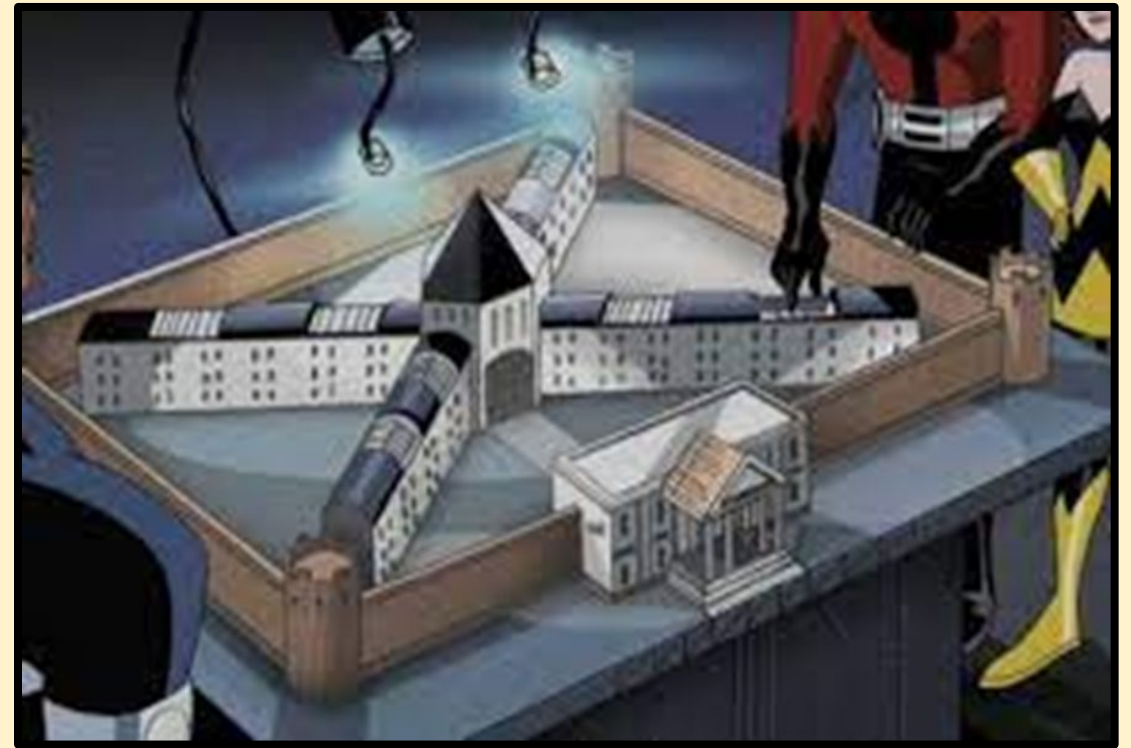


Home
or
House?

What does the **LAW** say?

Question #1 - What is a Tiny Home?

First, what it's not!



a.k.a. Zoning

Local Government Code Chapter 232

SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS IN CERTAIN URBAN COUNTIES

Sec. 232.101. RULES. (a) By an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, the commissioners court may adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.

(b) Unless otherwise authorized by state law, a commissioners court shall not regulate under this section:

- (1) the use of any building or property for business, industrial, residential, or other purposes;
- (2) the bulk, height, or number of buildings constructed on a particular tract of land;

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.232.htm#232.001>

67/72

1/22/2021

LOCAL GOVERNMENT CODE CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

(3) the size of a building that can be constructed on a particular tract of land, including without limitation and restriction on the ratio of building floor space to the land square footage;

(4) the number of residential units that can be built per acre of land;

(5) a plat or subdivision in an adjoining county; or

(6) road access to a plat or subdivision in an adjoining county.

(c) The authority granted under Subsection (a) is subject to the exemptions to plat requirements provided for in Section 232.0015.

Added by Acts 2001, 77th Leg., ch. 736, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1390 (S.B. 1867), Sec. 4, eff. September 1, 2007.

Local Government Code Chapter 232

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Local Government Code Chapter 232

1/22/2021

LOCAL GOVERNMENT CODE CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

Tiny-ness?

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a.k.a. Zoning

What are Urban Counties?

Local Government Code Chapter 232

a.k.a. Zoning

SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS IN CERTAIN URBAN COUNTIES

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- (1) the use of any building or property for business, industrial, residential, or other purposes;
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Let's see what the U.S. Census Bureau says . .



The graphic features a yellow and blue background with a network of people icons at the top. A white house icon is inside a blue circle on the left. The U.S. Census Bureau logo is at the bottom left, and a small number '1' is at the bottom right.

U.S. CENSUS BUREAU
2021
DATA SUMMIT
SERIES

**Accessing Census Bureau
Data for Rural
Communities**

Susan Licate
*Community Partnership and Engagement
Program, U.S. Census Bureau*

United States
Census
Bureau

1

Next Up:



What is Urban?

Census Bureau Definition – Urban Area

A densely settled core of census tracts and/or census blocks that meet minimum population density requirements, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core.

- Urbanized Areas (UAs) of 50,000 or more people
- Urban Clusters (UCs) of at least 2,500 and less than 50,000 people.



Note: Delineated Decennially
Federal Register 86 FR 10237
Now Through 5/20/21

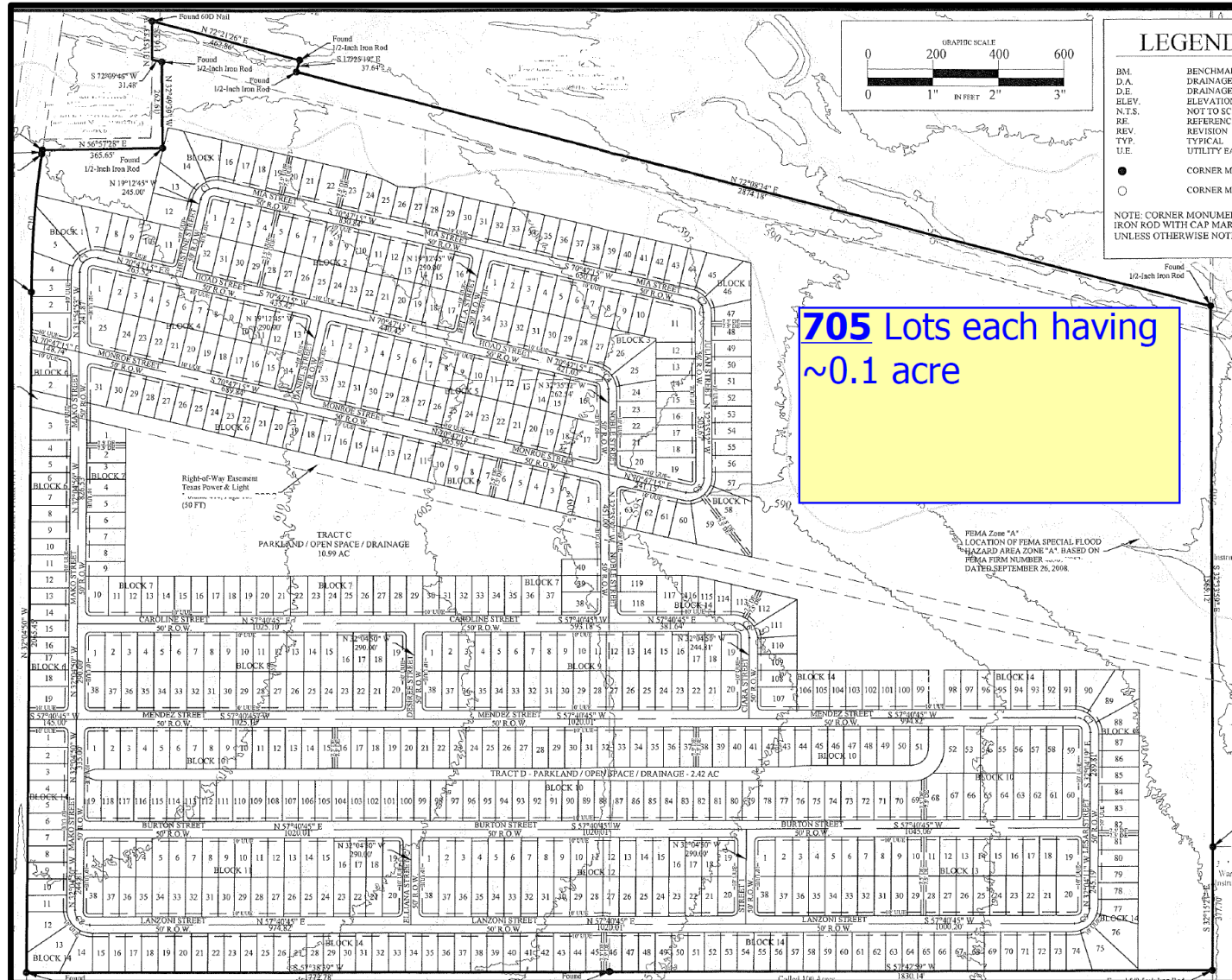
Texas Health & Human Services Definition

The screenshot shows the Texas Department of State Health Services website. The header includes the Texas Health and Human Services logo and the text 'Texas Department of State Health Services'. A search bar is visible with the text 'Inicio en español' and a search icon. Below the search bar is a navigation menu with links: HOME, COVID-19, ABOUT DSHS, NEWS, I AM A..., MOST POPULAR, RESOURCES, ONLINE SERVICES, and CONTACT US. The main content area is titled 'Definitions of County Designations' and includes the following text: 'In accordance with the Texas Health and Safety Code (§ 104.44 and §105.003), HPRC compiles, analyzes, and disseminates much of its data by Urban and Rural Counties or Border and Non-Border Counties. Below are explanations of those designations: *We are currently revising methodology for rural/urban designations. Check back later for more information'. There are three sub-sections: 'Urban and Rural Counties', 'Border and Non-Border Counties', and 'Contact Us'. The 'Urban and Rural Counties' section states: 'Counties are designated as Metropolitan or Non-Metropolitan by the U.S. Office of Budget and Management (OMB). HPRC currently uses the designations that took effect in 2013. In Texas, 82 counties are designated as Metropolitan and 172 are designated as Non-Metropolitan. HPRC uses the terms "Non-metropolitan and Metropolitan" interchangeably with "Rural and Urban."'. The 'Border and Non-Border Counties' section states: 'Counties are designated as Border or Non-Border according to Article 4 of the La Paz Agreement of 1983, which defines a county as a Border county if that county is within 100 Kilometers of the U.S./Mexico border. There are 32 counties in Texas designated as Border counties by this definition. The La Paz Agreement may be viewed at <https://www.utexas.edu/law/centers/humanrights/borderwall/communities/mexico-La-Paz-Environmental-Agreement.pdf>.' The 'Contact Us' section provides contact information for the Center for Health Statistics, including the address (1100 West 49th Street, Austin, Texas 78714-9347), phone number (512) 776-7261, and fax number (512) 776-7344. A footer contains various links: Contact Us | Visitor Information | Compact with Texans | File Viewing Information | Site Policies | Texas HHS | Jobs at DSHS | Texas Homeland Security | Statewide Search | Texas.gov | Texas Veterans Portal | Privacy Practices | Report Fraud, Waste, and Abuse. The page is last updated April 29, 2020.

Counties are designated as Metropolitan or Non-Metropolitan

In **2013** Texas had **82 Metro** and **172 Non-Metro** counties

Okay so Counties *cannot* regulate the size of the house but what about the size of the *subdivided* property (e.g. lot, tract)?



Local Government Code Chapter 232

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND RELATED ACTIVITIES

SUBTITLE B. COUNTY REGULATORY AUTHORITY

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

SUBCHAPTER A. SUBDIVISION PLATTING REQUIREMENTS IN GENERAL

Sec. 232.001. PLAT REQUIRED. (a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:

- (1) a subdivision of the tract, including an addition;
- (2) lots; or
- (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

(a-1) A division of a tract under Subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

- (b) To be recorded, the plat must:
- (1) describe the subdivision by metes and bounds;
 - (2) locate the subdivision with respect to an original corner of the original survey of which it is a part; and

“subdivision”
What is a “?”

Related Texas Attorney General Opinions and Texas Case Law

1. (GA-0223) - Whether a condominium development is a subdivision subject to county regulation under LGC chapter 232 (2004)
2. (**GA-1007**) - Whether a county may regulate, as a subdivision, the partition of a tract of land in the unincorporated portion of the county under LGC chapter 232 or Health and Safety Code chapter 121 (2013)
3. City of Weslaco v. Carpenter – A “subdivision” of property may refer simply to the act of partition itself, regardless of actual transfer of ownership. (1985)
4. Cowboy Country Estates v. Ellis County – The statutes concerned do not make any requirement that the lots be for fee simple purchases in order for a tract of land to be constituted as subdivision. (1985)
5. Bowles v. City of Waco and McLennan County, Texas – The subdivision ordinances and subdivision regulations of the City of Waco apply to and control the development of manufactured home rental community within the extraterritorial jurisdiction of the City of Waco (2003)

Attorney General Opinion No. GA-1007



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 31, 2013

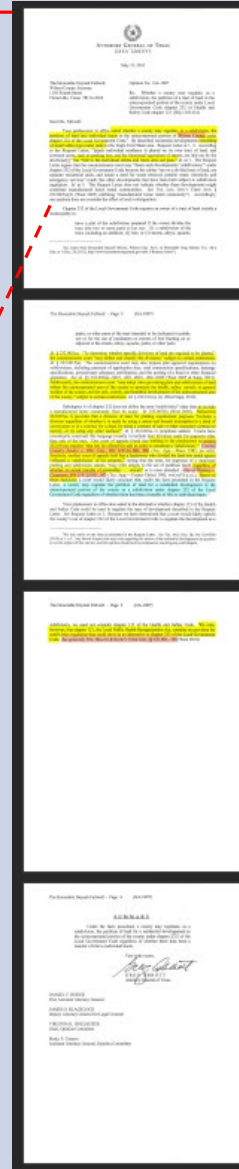
The Honorable Daynah Fallwell
Wilson County Attorney
1103 Fourth Street
Floresville, Texas 78114-2014

Opinion No. GA-1007

Re: Whether a county may regulate, as a subdivision, the partition of a tract of land in the unincorporated portion of the county under Local Government Code chapter 232 or Health and Safety Code chapter 121 (RQ-1103-GA)

Dear Ms. Fallwell:

Your predecessor in office asked whether a county may regulate, as a subdivision, the partition of land into individual tracts in the unincorporated portion of Wilson County under chapter 232 of the Local Government Code.¹ He described residential developments consisting of small cabin-type rental units in the Eagle Ford Shale area. Request Letter at 1, 3. According to the Request Letter, “[e]ach individual residence is placed on its own tract of land, and common areas, such as parking lots, and the functional equivalent of streets, are laid out by the developer[,]” but “title to the individual cabins and tracts does not pass.” *Id.* at 1. The Request Letter argues that the commissioners court may “deem such developments ‘subdivisions’” under chapter 232 of the Local Government Code because the cabins “are on a divided tract of land, are separate residential units, and create a need for waste removal, potable water, electricity and emergency services” much like other developments that have been held subject to subdivision regulation. *Id.* at 5. The Request Letter does not indicate whether these developments might constitute manufactured home rental communities. See TEX. LOC. GOV’T CODE ANN. § 232.007(a)(1) (West 2005) (defining “manufactured home rental community”). Accordingly, our analysis does not consider the effect of such a designation.



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Attorney General Opinion No. GA-1007

232.007(a)(1) (West 2005) (defining “manufactured home rental community”). Accordingly, our analysis does not consider the effect of such a designation.

Chapter 232 of the Local Government Code requires an owner of a tract of land outside a municipality to

have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares,

¹See Letter from Honorable Russell Wilson, Wilson Cnty. Att’y, to Honorable Greg Abbott, Tex. Att’y Gen. at 1 (Dec. 28, 2012), <http://www.texasattorneygeneral.gov/opin> (“Request Letter”).

The Honorable Daynah Fallwell - Page 2 (GA-1007)

parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

Id. § 232.001(a). “To determine whether specific divisions of land are required to be platted,”

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adjacent to the streets, alleys, squares, parks, or other parts.

Id. § 232.001(a). “To determine whether specific divisions of land are required to be platted,” the commissioners court “may define and classify the divisions,” subject to certain restrictions.

Id. § 232.0015(a). The commissioners court may also impose plat approval requirements on subdivisions, including payment of application fees, road construction specifications, drainage specifications, groundwater adequacy certification, and the posting of a bond or other financial guarantee. *See id.* §§ 232.002(a)–.0021, .003–.0032, .004–.0045 (West 2005 & Supp. 2012).

Additionally, the commissioners court “may adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county,” subject to certain restrictions. *Id.* § 232.101(a), (c) (West Supp. 2012).

Subchapter A of chapter 232 does not define the term “subdivision” other than to exclude

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Subchapter A of chapter 232 does not define the term “subdivision” other than to exclude a manufactured home community from its scope. *Id.* 232.007(b) (West 2005). Subsection 232.001(a-1) provides that a division of land for platting requirement purposes “includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.” *Id.* § 232.001(a-1) (emphasis added). Courts have consistently construed this language broadly to include tract divisions made for purposes other than sale of the tract. One court of appeals found that nothing in the predecessor to section 232.001(a) requires “that lots be offered for sale in order to constitute a ‘subdivision.’” *Cowboy Country Estates v. Ellis Cnty.*, 692 S.W.2d 882, 886 (Tex. App.—Waco 1985, no writ). Similarly, another court of appeals held that a landowner who divided his land into rental spaces “effected a ‘subdivision’ of his property,” noting that the term, for purposes of a municipal platting and subdivision statute, “may refer simply to the act of partition itself, regardless of whether an actual transfer of ownership . . . occurs” or is even intended. *City of Weslaco v. Carpenter*, 694 S.W.2d 601, 603 (Tex. App.—Corpus Christi 1985, writ ref’d n.r.e.). Based on these decisions, a court would likely conclude that, under the facts presented in the Request Letter, a county may regulate the partition of land for a residential development in the unincorporated portion of the county as a subdivision under chapter 232 of the Local Government Code regardless of whether there has been a transfer of title to individual tracts.²

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Government Code regardless of whether there has been a transfer of title to individual tracts.²

Your predecessor in office also asked in the alternative whether chapter 121 of the Health and Safety Code could be used to regulate the type of development described in the Request Letter. *See* Request Letter at 1. Because we have determined that a court would likely uphold the county's use of chapter 232 of the Local Government Code to regulate the development as a

²We rely solely on the facts as presented in the Request Letter. *See* Tex. Att'y Gen. Op. No. GA-0760 (2010) at 1, n.2. Any factual dispute that may exist regarding the nature of the residential developments in question is not the subject of this opinion, and this opinion should not be construed as resolving any such dispute.

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subdivision, we need not consider chapter 121 of the Health and Safety Code. We note, however, that chapter 121, the Local Public Health Reorganization Act, contains no provision for subdivision regulation that could serve as an alternative to chapter 232 of the Local Government Code. *See generally* TEX. HEALTH & SAFETY CODE ANN. §§ 121.001–.103 (West 2010).

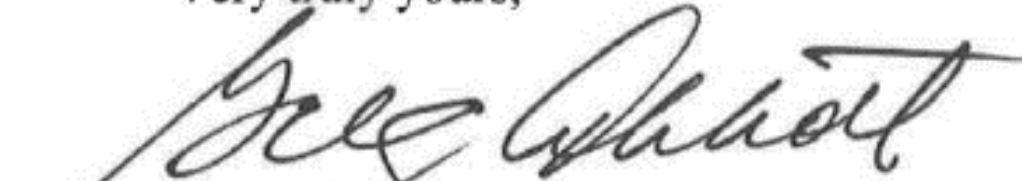
Attorney General Opinion No. GA-1007

The Honorable Daynah Fallwell - Page 4 (GA-1007)

S U M M A R Y

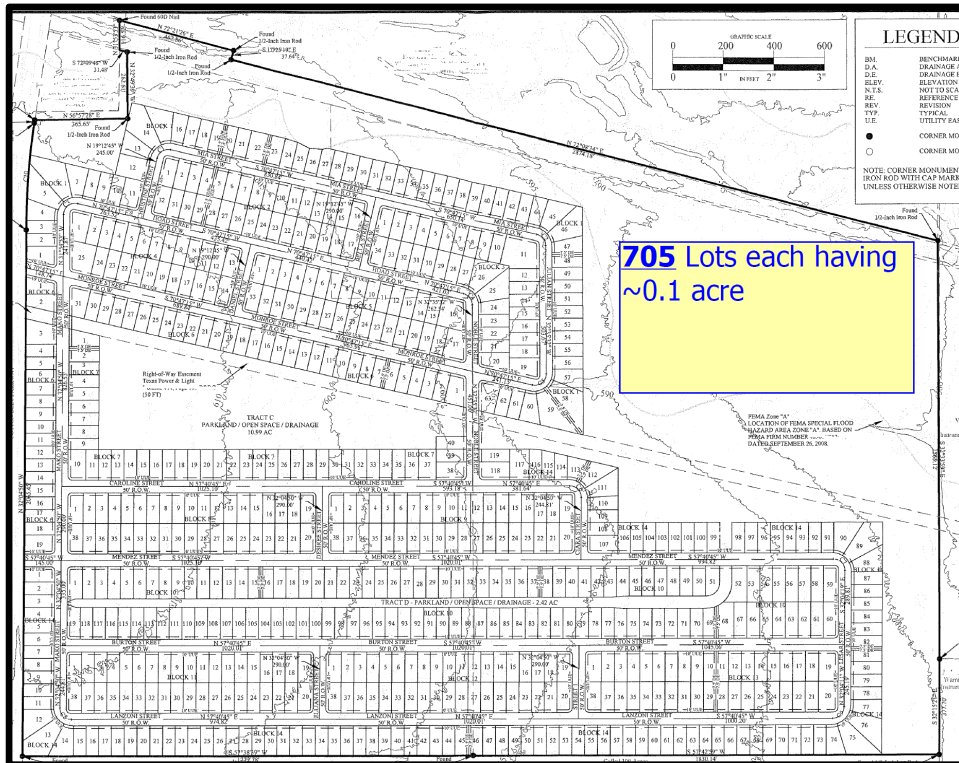
Under the facts presented, a county may regulate, as a subdivision, the partition of land for a residential development in the unincorporated portion of the county under chapter 232 of the Local Government Code regardless of whether there has been a transfer of title to individual tracts.

Very truly yours,



GREG ABBOTT
Attorney General of Texas

And what about the size of the subdivided property?



Lot Size and Acreage			
Length (FT)	Width (FT)	SF	Acres
60	60	3,600	0.083
65	65	4,225	0.097
65	70	4,550	0.104
75	80	6,000	0.138
60	125	7,500	0.172
85	90	7,650	0.176
90	100	9,000	0.207
100	100	10,000	0.230

43,560 SF = 1 Ac

Property requiring a septic system (OSSF) must abide by State law.

(McLennan County minimums are 0.115 Ac for public sewer line or 0.5 Ac for OSSF)



Texas Administrative Code

[TITLE 30](#) ENVIRONMENTAL QUALITY
[PART 1](#) TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
[CHAPTER 285](#) ON-SITE SEWAGE FACILITIES

Subchapters

[SUBCHAPTER A](#) [GENERAL PROVISIONS](#)
[SUBCHAPTER B](#) [LOCAL ADMINISTRATION OF THE OSSF PROGRAM](#)
[SUBCHAPTER C](#) [COMMISSION ADMINISTRATION OF THE OSSF PROGRAM IN AREAS WHERE NO AUTHORIZED AGENT EXISTS](#)
[SUBCHAPTER D](#) [PLANNING, CONSTRUCTION, AND INSTALLATION STANDARDS FOR OSSFS](#)
[SUBCHAPTER E](#) [SPECIAL REQUIREMENTS FOR OSSFS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE](#)
[SUBCHAPTER F](#) [LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE PROVIDERS, AND MAINTENANCE TECHNICIANS](#)
[SUBCHAPTER G](#) [OSSF ENFORCEMENT](#)
[SUBCHAPTER H](#) [DISPOSAL OF GRAYWATER](#)
[SUBCHAPTER I](#) [APPENDICES](#)

[HOME](#) [TEXAS REGISTER](#) [TEXAS ADMINISTRATIVE CODE](#) [OPEN MEETINGS](#)

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Texas Administrative Code

[TITLE 30](#)

ENVIRONMENTAL QUALITY

[PART 1](#)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

[CHAPTER 285](#)

ON-SITE SEWAGE FACILITIES

[SUBCHAPTER A](#)

GENERAL PROVISIONS

RULE §285.4

Facility Planning

(a) Land planning and site evaluation. Property that will use an on-site sewage facility (OSSF) for sewage disposal shall be evaluated for overall site suitability. For property located on the Edwards Aquifer recharge zone, see §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) for additional requirements. The following requirements apply to all sites where an OSSF may be located.

(1) **Residential lot sizing.**

(A) **Platted or unplatted subdivisions served by a public water system.** Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, **shall have lots of at least 1/2 acre.**

(B) **Platted or unplatted subdivisions not served by a public water system.** Subdivisions of single family dwellings platted or created after the effective date of this section, not served by a public water supply and using individual OSSFs, **shall have lots of at least one acre.**

(C) A platted or unplatted subdivision where one tract is divided into four or fewer parts; where each tract is five acres or larger; and each tract is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Texas Government Code, Chapter 573 is exempt from submitting planning materials required in this section.

(10) Table X. Minimum Required Separation Distances for On-Site Facilities

FROM	TO					
	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells ²	50	150	150	50	150	150
Public Water Supply Lines ²	10	10	10	10	10	10
Wells and Underground Cistern	50	100	50	20	100	100
Private Water Line	10	10	5	10 ⁵ Except at connection to structure	No separation distance	10
Wells Completed in accordance with 16 TAC § 76.1000(a)(1)	50	50	50	20	50	50
Streams, Ponds, Lakes, Rivers, Creeks (Measured from Normal Pool Elevation and Water Level); Salt Water Bodies (High Tide Only); Retention Ponds/Basins (Spillway Elevation)	50	75, LPD with Secondary Treatment & Disinfection - 50	50	20	50	25 when Ra< 0.1 75 when Ra>0.1 (With Secondary Treatment & Disinfection – 50)
Foundations, Buildings, Surface Improvements, Property Lines, Swimming Pools, and Other Structures	5	5	5	5 Pipe may run beneath driveways and sidewalks or up to surface improvements if it is Schedule 80 pipe or sleeved in Schedule 40 pipe Pipe containing secondary effluent has no setbacks from building foundations	No Separation Distances Except: Property Lines – 20 ⁶ Swimming Pools - 25	No Separation Distances Except ⁴ : Property Lines - 5
Underground Easements	1	1	1	1	May spray to edge of easement, but not into Sprinkler heads must be 1 foot from easement edge	1
Overhead Easements	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder
Slopes Where Seeps May Occur and Detention Ponds	5	25	5	10	10	10 when Ra<0.1 25 when Ra>0.1
Edwards Aquifer Recharge Features (See Chapter 213 of this Title relating to Edwards Aquifer) ³	50	150	50	50	150	100 when Ra<0.1 150 when Ra>0.1

1. All distances measured in feet, unless otherwise indicated.
2. For additional information or revisions to these separation distances, see Chapter 290 of this title (relating to Public Drinking Water).
3. No on-site sewage facility may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone.
4. Drip Irrigation lines may not be placed under foundations.
5. Private water line/wastewater line crossings should be treated as public water line crossings, see Chapter 290 of this title .
6. Separation distance may be reduced to 10 feet when sprinkler operation is controlled by commercial timer. See §285.33 (d)(2)(C)(i) of this title (relating to Criteria for Effluent Disposal systems).

(10) Table X. Minimum Required Separation Distances for On-Site Facilities

FROM	TO					
	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
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Public Water Supply Lines ²	10	10	10	10	10	10
Wells and Underground Cistern	50	100	50	20	100	100
Private Water Line	10	10	5	10 ⁵ Except at connection to structure	No separation distance	10
Wells Completed in accordance with 16 TAC § 76.1000(a)(1)	50	50	50	20	50	50
Streams, Ponds, Lakes, Rivers, Creeks (Measured from Normal Pool Elevation and Water Level); Salt Water Bodies (High Tide Only); Retention Ponds/Basins (Spillway Elevation)	50	75, LPD with Secondary Treatment & Disinfection - 50	50	20	50	25 when Ra<0.1 75 when Ra>0.1 (With Secondary Treatment & Disinfection - 50)
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5. Private water line/wastewater line crossings should be treated as public water line crossings, see Chapter 290 of this title .
6. Separation distance may be reduced to 10 feet when sprinkler operation is controlled by commercial timer. See §285.33 (d)(2)(C)(i) of this title (relating to Criteria for Effluent Disposal systems).

(10) Table X. Minimum Required Separation Distances for On-Site Facilities

FROM	TO					
	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells ²	50	150	150	50	150	150
Public Water Supply Lines ²	10	10	10	10	10	10
Wells and Underground Cistern	50	100	50	20	100	100
Private Water Line	10	10	5	10 ⁵ Except at connection to structure	No separation distance	10
Wells Completed in accordance with 16 TAC § 76.1000(a)(1)	50	50	50	20	50	50

		TO				
FROM	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation

Foundations, Buildings, Surface Improvements, <u>Property Lines,</u> Swimming Pools, and Other Structures	5	5	5	5 Pipe may run beneath driveways and sidewalks or up to surface improvements if it is Schedule 80 pipe or sleeved in Schedule 40 pipe Pipe containing secondary effluent has no setbacks from building foundations	No Separation Distances Except: Property Lines – 20' Swimming Pools - 25'	No Separation Distances Except ⁺ : Property Lines - 5'
Underground Easements	1	1	1	1	May spray to edge of easement, but not into Sprinkler heads must be 1 foot from easement edge	1
Overhead Easements	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder
Slopes Where Seeps May Occur and Detention Ponds	5	25	5	10	10	10 when Ra<0.1 25 when Ra>0.1

What's the Difference?

1. Mobile Home
2. Manufactured Home
3. Modular Home
4. Trailer House
5. RV

Mobile Home



Manufactured pre-1976

In 1974 the [National Mobile Home Construction and Safety Act](#) was passed

The structure of these early mobile homes resembled what you might think of as a modern-day camper or trailer with an exposed trailer coupler and wheels, making the home easily movable. The home itself was generally built on steel I-beams that ran from end-to-end and could be set up on concrete blocks, wooden blocks, metal stands or a concrete foundation at the desired location.

Manufactured Home

Manufactured in environmentally controlled facility
then delivered in whole (product) to home site



Manufactured post-1976

and meets Department of HUD Codes

In 1976 the [HUD Manufactured Home Construction and Safety Standards](#) became known as the HUD code — which set federal standards for manufactured homes in areas including:

- Design and construction
- Body and frame requirements
- Thermal protection
- Plumbing and electrical
- Fire safety
- And energy efficiency

Homes built prior to **June 15, 1976**, even with modifications, do not meet the HUD standards and cannot be accepted as compliant with the HUD Code. The [Housing Act of 1980](#) later mandated the term “manufactured” be used in place of “mobile” in all federal laws and literature.

[Credit ClaytonHomes.com](#) and [U.S. Department of Housing and Urban Development](#)

Modular Home

Manufactured in environmentally controlled facility
then delivered in connectable parts to home site



Not Built to HUD codes

Like manufactured homes, modular homes are constructed inside building facilities and then transported to the home site.

The main difference between manufactured and modular homes is that manufactured homes are built to the national HUD code, **while modular homes are built to all applicable state and local building codes.** This is similar to the way traditional site-built homes are constructed.

	Modular Homes	Manufactured Homes
Construction	Multiple factory-made pieces assembled at home site	Built-in sections, can be single or multi-width
Mobility	No	Can be transferred to property then permanently affixed
Financing options	Standard	Limited (more options may be available if the home is permanently affixed to the land)
Code requirements	Local, state and regional codes	Federal HUD code
Relative home cost	Higher	Lower

So what's a Trailer House?



Well it's a house on a trailer *of course*.

So what's a House Trailer?

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TRANSPORTATION CODE CHAPTER 541. DEFINITIONS

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE C. RULES OF THE ROAD

CHAPTER 541. DEFINITIONS

SUBCHAPTER C. VEHICLES, RAIL TRANSPORTATION, AND EQUIPMENT

Sec. 541.201. VEHICLES. In this subtitle:

(5) "House trailer" means a trailer or semitrailer, other than a towable recreational vehicle, that:

- (A) is transportable on a highway in one or more sections;
- (B) is less than 45 feet in length, excluding tow bar, while in the traveling mode;
- (C) is built on a permanent chassis;
- (D) is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and
- (E) includes plumbing, heating, air-conditioning, and electrical systems.

What's a Recreational Vehicle?



Is this what you were thinking?



Or were you thinking this?



Or something more like this?



Or maybe . . .



Probably Something Like This



And if you have the \$\$\$, how about . . .



So what *is* an RV?

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Sec. 541.201. VEHICLES. In this subtitle:

(19) "Towable recreational vehicle" means a nonmotorized vehicle that:

- (A) is designed:
 - (i) to be towable by a motor vehicle; and
 - (ii) for temporary human habitation for uses including recreational camping or seasonal use;
- (B) is permanently built on a single chassis;
- (C) may contain one or more life-support systems; and
- (D) may be used permanently or temporarily for advertising, selling, displaying, or promoting merchandise or services, but is not used for transporting property for hire or for distribution by a private carrier.

McLennan County **RV** definition

RECREATIONAL VEHICLE – means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

FEMA definition of RV

A **Recreational Vehicle** is a vehicle which is:

- a. Built on a single chassis;
- b. **400 square feet or less** when measured at the largest horizontal projection;
- c. Designed to be **self-propelled or permanently towable** by a light duty truck; and
- d. Designed primarily **not for use as a permanent dwelling** but as temporary living quarters for recreational, camping, travel, or seasonal use.

Texas Occupations Code 1201.003(12)

(12) "HUD-code manufactured home":

(A) means a structure:

- (i) constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (ii) built on a permanent chassis;
- (iii) designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (iv) transportable in one or more sections; and
- (v) in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

(B) includes the plumbing, heating, air conditioning, and electrical systems of the home; and

(C) does not include a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g).

Note: 24 CFR 3282.8(g) is listed as "reserved"

Texas Tax Code 11.14(a)(2)

- (2) "Structure" does not include a vehicle that:
- (A) is a trailer-type unit designed primarily for use as temporary living quarters in connection with recreational, camping, travel, or seasonal use;
 - (B) is built on a single chassis mounted on wheels;
 - (C) has a gross trailer area in the set-up mode of 400 square feet or less; and
 - (D) is certified by the manufacturer as complying with American National Standards Institute Standard A119.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

OFFICE OF HOUSING

JAN 20 2015

Jan. 20, 2015
HUD Memo

MEMORANDUM FOR: RVIA, MHI, MHARR, MHCC, PIAs, SAAs

FROM: Pamela Beck Danner, Administrator
Office of Manufactured Housing Programs

SUBJECT: RV Exemption under Manufactured Housing Act – Part II

See next page

This Memorandum extends the enforcement deadline of the October 1, 2014, “RV Exemption under Manufactured Housing Act” Memorandum issued by HUD’s Office of Manufactured Housing Programs. The October 1, 2014, Memorandum provided:

HUD will commence reviewing for compliance its 1988 standard for measurement to ensure that units over 400 square feet meet HUD’s building standards for manufactured homes that enter the first stage of production on or after April 1, 2015. Emphasis added.

On December 2, 2014, the Manufactured Housing Consensus Committee voted to recommend to HUD a further delay in the enforcement of the unit measurement standard as set forth in the October 1, 2014, memorandum (see attached) until HUD promulgates a final rule clarifying the Recreational Vehicle (RV) exemption at 24 CFR Section 3282.8(g) in HUD’s Manufactured Home Procedural and Enforcement Regulations. HUD has considered the December 2, 2014, vote of the MHCC and will delay the enforcement of the October 1, 2014, Memorandum until the publication of a final rule concerning the RV exemption.

HUD requests that the third party inspection agencies forward this memorandum to their manufacturer clients and that RVIA forward it to their members. Any questions may be forwarded to the Office of Manufactured Housing Programs at 202-708-6423.

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HUD will commence reviewing for compliance its 1988 standard for measurement to ensure that units over 400 square feet meet HUD's building standards for manufactured homes that enter the first stage of production on or after April 1, 2015. Emphasis added.

Side Note: Maximum Length of Vehicle Combo $\leq 65'$

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TRANSPORTATION CODE CHAPTER 621. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT

TRANSPORTATION CODE

TITLE 7. VEHICLES AND TRAFFIC

SUBTITLE E. VEHICLE SIZE AND WEIGHT

CHAPTER 621. GENERAL PROVISIONS RELATING TO VEHICLE SIZE AND WEIGHT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 621.203. MAXIMUM LENGTH OF MOTOR VEHICLE. (a) A motor vehicle, other than a truck-tractor, may not be longer than 45 feet.

(b) A motor bus as defined by Section 502.001 that is longer than 35 feet but not longer than 45 feet may be operated on a highway if the motor bus is equipped with air brakes and has either three or more axles or a minimum of four tires on the rear axle.

(c) The limitation prescribed by Subsection (a) does not apply to a house trailer or towable recreational vehicle or a combination of a house trailer or towable recreational vehicle and a motor vehicle. A house trailer or towable recreational vehicle and motor vehicle combination may not be longer than 65 feet.

(d) In this section, "house trailer" and "towable recreational vehicle" have the meanings assigned by Section 541.201.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1020, Sec. 3, eff. Sept. 1, 1997.

So what's a House Trailer again?

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TRANSPORTATION CODE CHAPTER 541. DEFINITIONS

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(D) is designed to be used as a dwelling or for commercial purposes if connected to required utilities; and

(E) includes plumbing, heating, air-conditioning, and electrical systems.

RV Parks vs. Mobile Home Parks

Is an RV Park or Mobile Home Park a SUBDIVISION?

*Due to a lack of time to discuss in depth,
the answer is Yes and No.*

Sec. 232.007. MANUFACTURED HOME RENTAL COMMUNITIES. (a) In this section:

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.232.htm#232.001>

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1/22/2021

LOCAL GOVERNMENT CODE CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

(1) "Manufactured home rental community" means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

(2) "Business day" means a day other than a Saturday, Sunday, or holiday recognized by this state.

(b) A manufactured home rental community is not a subdivision, and Sections 232.001-232.006 do not apply to the community.

Recap – Points to Consider

1. **Tiny Houses** or other abodes needing their own lot are to adhere to Local Government Code Chapter 232 and follow subdivision platting requirements.
2. **Manufactured Homes** are built to HUD codes while other prefabricated homes (*modular*) are built to local and state codes.
3. **Texas Transportation Code** defines a House Trailer and Towable Recreational Vehicle but not a *motorized* Recreational Vehicle.
4. **Manufactured Rental Communities** *are* addressed in Texas law as opposed to temporary rental facilities such as “RV Parks”.
5. **RV Parks** can be regulated under Local Government Code Chapter 232 per various Texas Attorney General Opinions.

Thank You!

