

HOUSE COMMITTEE OF REFERENCE REPORT

March 23, 2021

Chair of Committee

Date

Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB21-1019 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 24-32-3301, **amend**
4 (1) introductory portion, (1)(a), (1)(b), (1)(c)(II), (1)(e), (2)(a), (2)(d), and
5 (3); and **add** (4) as follows:

6 **24-32-3301. Legislative declaration.** (1) The general assembly
7 hereby finds, determines, and declares that MOBILE HOMES,
8 MANUFACTURED HOUSING, AND FACTORY-BUILT HOUSING ARE IMPORTANT
9 AND EFFECTIVE WAYS TO MEET COLORADO'S AFFORDABLE HOUSING
10 NEEDS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,
11 BECAUSE OF THE HOUSING CRISIS IN COLORADO, THERE IS A NEED TO
12 PROMOTE THE AFFORDABILITY AND ACCESSIBILITY OF NEW
13 MANUFACTURED AND FACTORY-BUILT HOUSING. THE GENERAL ASSEMBLY
14 ENCOURAGES LOCAL GOVERNMENTS TO ENACT ORDINANCES AND RULES
15 THAT EFFECTIVELY TREAT FACTORY-BUILT HOUSING CERTIFIED THROUGH
16 THE STATE PROGRAM AND MANUFACTURED HOUSING CERTIFIED THROUGH
17 THE FEDERAL PROGRAM THE SAME AS SITE-BUILT HOMES. THE GENERAL
18 ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

19 (a) The comprehensive regulation of the **manufacture**
20 CONSTRUCTION of factory-built structures to ensure safety,
21 AFFORDABILITY, EFFICIENCY, AND PERFORMANCE is a matter of statewide
22 concern.

23 (b) The comprehensive regulation of the installation of
24 manufactured homes to ensure safety, affordability, EFFICIENCY, and

1 performance is a matter of statewide and local concern.
2 (c) The protection of Colorado consumers who purchase
3 manufactured homes from fraud and other unfair business practices is a
4 matter of statewide concern and consumers can best be protected by:
5 (II) Imposing ~~uniform~~ escrow and bonding requirements upon
6 persons engaged in the business of selling manufactured homes; and
7 (e) The ~~uniform~~ registration, escrow and bonding, and contract
8 requirements imposed on sellers of manufactured homes by this part 33
9 are exclusive and no political subdivision of the state ~~shall~~ MAY impose
10 any additional registration, escrow, and bonding, or contract requirements
11 on the sellers.
12 (2) The general assembly further declares that in enacting this part
13 33, it is the intent of the general assembly that the division establish
14 through the board rules as it deems necessary to ensure:
15 (a) The safety, AFFORDABILITY, EFFICIENCY, AND PERFORMANCE
16 of factory-built structures;
17 (d) The safety, AFFORDABILITY, AND PERFORMANCE of hotels,
18 motels, and multi-family structures in areas of the state where no
19 construction standards for hotels, motels, and multi-family structures
20 exist.
21 (3) The general assembly further declares that the factory-built
22 structure programs administered and rules adopted pursuant to this part
23 33 ~~shall~~ apply only to work performed in a factory or completed at a site
24 using components shipped with the factory-built structure as reflected in
25 the approved plans for the factory-built structure.
26 (4) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
27 REGULATIONS IN THIS PART 33 ARE SEPARATE AND DISTINCT FROM THE
28 "MOBILE HOME PARK ACT" AND THE "MOBILE HOME PARK ACT DISPUTE
29 RESOLUTION AND ENFORCEMENT PROGRAM" UNDER PARTS 2 AND 11 OF
30 ARTICLE 12 OF TITLE 38.
31 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
32 (4), (9), (10), (15), (17), (18), (20) introductory portion, (20)(c), (30), and
33 (31); **repeal** (5) and (7); and **add** (6.5) and (32.5) as follows:
34 **24-32-3302. Definitions.** As used in this part 33, unless the
35 context otherwise requires:
36 (4) "Certified installer" means an installer of manufactured homes
37 who is registered with the division and who has installed at least five
38 manufactured homes in compliance with the manufacturer's instructions
39 or standards created by the division pursuant to this part 33 AND HAS BEEN
40 APPROVED BY THE DIVISION FOR CERTIFIED STATUS.
41 (5) ~~"Dealer" means any person engaged in the sale, leasing, or~~



1 ~~distribution of new manufactured homes primarily to persons who in~~
2 ~~good faith purchase or lease a manufactured home for purposes other than~~
3 ~~resale.~~

4 (6.5) "DELIVERY" MEANS, FOR PURPOSES OF SECTION 24-32-3325,
5 AT A LOCATION AGREED TO BY THE SELLER AND PURCHASER.

6 (7) ~~"Distributor" means any person engaged in the sale and~~
7 ~~distribution of manufactured homes for resale.~~

8 (9) "Factory-built nonresidential structure" means any structure or
9 component, ~~thereof~~ INCLUDING ANY CLOSED PANEL SYSTEM, designed
10 primarily for commercial, industrial, or other nonresidential use, either
11 permanent or temporary, including a manufactured unit that is wholly or
12 in substantial part made, fabricated, formed, or assembled in
13 manufacturing facilities for installation or assembly and installation on a
14 permanent or temporary foundation at the building site.

15 (10) "Factory-built residential structure" means a manufactured
16 home, INCLUDING ANY CLOSED PANEL SYSTEM, constructed to the building
17 codes adopted by the board and designed to be installed on a permanent
18 foundation, except for homes constructed to a federal manufactured home
19 construction and safety standard and any home designated as a mobile
20 home.

21 (15) "Independent contractor" means a local ~~jurisdiction~~
22 GOVERNMENT, individual, private firm, housing inspector, or engineer
23 who has been approved by the division to perform or enforce installation
24 inspections.

25 (17) "Installer" means any person who performs the installation
26 of a manufactured home, WHICH INCLUDES MULTI-FAMILY STRUCTURES
27 FOR THOSE WITH KNOWLEDGE, EXPERIENCE, AND SKILLS TO DO SO.

28 (18) "Local government" means the government of a town, city,
29 county, or city and county THAT IS THE DESIGNATED AUTHORITY CHARGED
30 WITH THE ADMINISTRATION AND ENFORCEMENT OF LOCAL BUILDING
31 CODES.

32 (20) "Manufactured home" means any preconstructed building
33 unit or combination of preconstructed building units OR CLOSED PANEL
34 SYSTEMS that:

35 (c) Is constructed in compliance with the federal act, factory-built
36 residential requirements, INCLUDING THOSE FOR MULTI-FAMILY
37 STRUCTURES, or mobile home standards;

38 (30) "Quality assurance representative" means any state, firm,
39 corporation, or other entity that proposes to conduct production reviews,
40 evaluate a manufacturer's quality control procedures, and perform design
41 evaluations for ~~manufactured housing units~~ FACTORY-BUILT STRUCTURES.

1 (31) "Registered installer" means an installer who has registered
2 with the division, but who has not yet installed five manufactured homes
3 that have been inspected by the division for compliance with the
4 manufacturer's instructions or standards created by the division pursuant
5 to this part 33 APPLIED FOR AND BEEN APPROVED BY THE DIVISION FOR
6 CERTIFIED STATUS.

7 (32.5) "SELLER" MEANS ANY PERSON ENGAGED IN THE BUSINESS
8 OF SELLING MANUFACTURED HOMES TO BE INSTALLED IN COLORADO.

9 **SECTION 3.** In Colorado Revised Statutes, 24-32-3303, **amend**
10 (1) introductory portion, (1)(a), (1)(c), and (1)(d); and **add** (1)(e), (1)(f),
11 and (1)(g) as follows:

12 **24-32-3303. Division of housing - powers and duties - rules.**

13 (1) The division ~~shall have~~ HAS the following powers and duties pursuant
14 to this part 33:

15 (a) To administer and enforce ~~uniform~~ construction and
16 maintenance standards adopted by the board pursuant to this ~~part 33~~;
17 PART 33, INCLUDING THE REGISTRATION STATUS OF MANUFACTURERS;

18 (c) To review and approve quality assurance representatives that
19 intend to perform inspections and issue insignia of approval pursuant to
20 this part 33; ~~and~~

21 (d) To promulgate rules in accordance with article 4 of this ~~title~~
22 TITLE 24 to implement and specify the installer and inspector education
23 and testing requirements set forth in this part 33 and to oversee such
24 education and testing;

25 (e) TO ENFORCE REQUIREMENTS CONCERNING THE INSTALLATION
26 OF MANUFACTURED HOMES, INCLUDING THE REGISTRATION AND
27 CERTIFICATION STATUS OF INSTALLERS;

28 (f) TO ENFORCE REQUIREMENTS CONCERNING THE SALE OF
29 MANUFACTURED HOMES, INCLUDING THE REGISTRATION STATUS OF
30 SELLERS; AND

31 (g) TO ENFORCE REQUIREMENTS CONCERNING THE SAFETY OF
32 HOTELS, MOTELS, AND MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE
33 WHERE NO CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND
34 MULTI-FAMILY STRUCTURES EXIST.

35 **SECTION 4.** In Colorado Revised Statutes, 24-32-3304, **amend**
36 (1) introductory portion, (1)(c), and (1)(e) as follows:

37 **24-32-3304. State housing board - powers and duties.** (1) The
38 board ~~shall have~~ HAS the following powers and duties pursuant to this part
39 33:

40 (c) To develop and submit to the general assembly and local
41 ~~government units~~ GOVERNMENTS recommendations for uniform housing

1 standards and building codes;
2 (e) To promulgate rules establishing specific standards for the use
3 of private inspection and certification entities to perform the division's
4 certification and inspection functions with respect to in-state and
5 out-of-state inspections of ~~manufactured housing units~~ FACTORY-BUILT
6 STRUCTURES. The standards ~~shall~~ MUST allow, consistent with section 13
7 of article XII of the state constitution, the provisions of part 5 of article
8 50 of this ~~title~~ TITLE 24, and the rules of the state personnel board, for the
9 use of private inspection and certification entities when the entities are
10 available at a reasonable cost. The standards ~~shall not~~ CANNOT prohibit a
11 manufacturer from having the option to contract with the division or an
12 authorized quality assurance representative to perform inspection and
13 certification functions.

14 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**
15 (1) introductory portion, (2), (3), (4), and (5) as follows:

16 **24-32-3305. Rules - advisory committee - enforcement.** (1) The
17 board ~~shall~~ MUST promulgate rules as it deems necessary to ensure:

18 (2) Rules promulgated by the board ~~shall~~ MUST include provisions
19 imposing requirements reasonably consistent with recognized and
20 accepted standards adopted by ~~the international conference of building~~
21 ~~officials~~, the international code council, ~~the international association of~~
22 ~~plumbing and mechanical officials~~, the national fire protection
23 association, AND the Colorado state plumbing and electrical codes, ~~and~~
24 ~~the structural engineers association of Colorado~~, or a combination thereof,
25 except to the extent that the board finds that the standards and codes are
26 inconsistent with this part 33. All rules promulgated by the board ~~shall~~
27 MUST be adopted pursuant to article 4 of this ~~title~~ TITLE 24.

28 (3) The board ~~shall~~ MUST consult with and obtain the advice of an
29 advisory committee on residential and nonresidential structures in the
30 drafting and promulgation of rules. The committee ~~shall consist~~ CONSISTS
31 of twelve members appointed by the ~~state director of housing~~ DIVISION
32 from the following professional and technical disciplines: One from
33 architecture, one from structural engineering, three from building code
34 enforcement, one from mechanical engineering or contracting, one from
35 electrical engineering or contracting, one from the plumbing industry, ~~one~~
36 ~~from the mobile home industry~~, one from the construction design or
37 producer industry, ~~one~~ TWO from manufactured housing, and one from
38 organized labor. Committee members shall be reimbursed for actual and
39 necessary expenses incurred while engaged in official duties.

40 (4) The division ~~shall~~ MUST enforce the provisions of this part 33
41 and the rules adopted pursuant thereto.



1 (5) The division may act as agent for the federal government for
2 the enforcement of ~~mobile~~ MANUFACTURED home safety and construction
3 standards relating to any issue with respect to which a federal standard
4 has been established under the federal act.

5 **SECTION 6.** In Colorado Revised Statutes, **amend 24-32-3306**
6 as follows:

7 **24-32-3306. Recognition of similar standards - compliance**
8 **with standards.** (1) If the ~~board~~ DIVISION determines that standards for
9 factory-built OR MANUFACTURED housing prescribed by statute or rule of
10 another state or by the United States department of housing and urban
11 development are reasonably consistent with, or equal to, standards
12 required by this part 33, it may provide by rule that factory-built OR
13 MANUFACTURED housing approved by the other state or by the department
14 meets the standards required by this part 33.

15 (2) No person, partnership, firm, corporation, or other entity may
16 manufacture, sell, or offer for sale within this state any ~~new~~ factory-built
17 structure that is not manufactured in compliance with the applicable
18 provisions of the construction standards adopted by the board.

19 **SECTION 7.** In Colorado Revised Statutes, **amend 24-32-3307**
20 as follows:

21 **24-32-3307. Noncompliance with standards.** (1) The ~~state~~
22 ~~director of housing~~ DIVISION may obtain injunctive relief from the
23 appropriate court to enjoin the manufacture, sale, delivery, or installation
24 of factory-built housing by filing an affidavit specifying the manner in
25 which the housing does not conform to the requirements of this part 33
26 or to rules promulgated pursuant to section 24-32-3305. The ~~director or~~
27 ~~the director's designee~~ DIVISION may suspend the issuance of insignias of
28 approval while injunctive relief is being sought.

29 (2) If the division, acting as agent for the federal government,
30 determines that any manufactured home does not conform to applicable
31 state or federal manufactured home construction and safety standards or
32 that it contains a defect that constitutes an imminent safety hazard after
33 the sale of the manufactured home by a manufacturer to a ~~distributor or~~
34 ~~dealer~~ SELLER and prior to the sale of the manufactured home by the
35 ~~distributor or dealer~~ SELLER to a purchaser, the manufacturer ~~shall~~ MUST
36 provide for parts replacement and installation reimbursement as required
37 under the federal act or rules adopted pursuant thereto.

38 **SECTION 8.** In Colorado Revised Statutes, **amend 24-32-3308**
39 as follows:

40 **24-32-3308. Violation - penalty.** (1) A ~~person~~ MANUFACTURER
41 who violates any of the provisions of this part 33 or any rule promulgated



1 pursuant to section 24-32-3305 ~~shall be~~ IS subject to ~~a civil penalty~~
2 REVOCATION OR SUSPENSION OF THE MANUFACTURER'S REGISTRATION,
3 FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE PROMULGATED
4 BY THE DIVISION OR OTHER APPLICABLE STATE LAW. THE DIVISION MAY
5 ISSUE A FINE of up to one thousand dollars ~~as determined by the board~~ FOR
6 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED
7 DURING THE CONSTRUCTION OF A SINGLE FACTORY-BUILT STRUCTURE
8 CONSTITUTE ONE VIOLATION. A separate violation ~~shall be~~ IS deemed to
9 have occurred with respect to each ~~housing unit~~ FACTORY-BUILT
10 STRUCTURE involved. A civil penalty collected pursuant to this section
11 ~~shall~~ MUST be transmitted to the state treasurer who ~~shall~~ MUST credit the
12 same to the building regulation fund created in section 24-32-3309.

13 (2) In the case of any unit certified under the federal act, civil and
14 criminal penalties provided for in the federal act ~~shall~~ MUST be imposed.
15 Any civil penalty collected pursuant to this section ~~shall~~ MUST be
16 transmitted to the state treasurer, who ~~shall~~ MUST credit the same to the
17 building regulation fund.

18 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-32-3309
19 as follows:

20 **24-32-3309. Fees - building regulation fund.** (1) (a) The board,
21 by rule, ~~shall~~ MUST establish a schedule of fees designed to pay all direct
22 and indirect costs incurred by the division in carrying out and enforcing
23 the provisions of this part 33; except that the amount of the registration
24 fee for installers of manufactured homes is the amount specified in
25 section 24-32-3315 (5) and the amount of the registration fee for sellers
26 of manufactured homes is the amount specified in section 24-32-3323 (3).
27 Before establishing the schedule of fees, the ~~board shall~~ DIVISION MUST
28 gather information regarding the fees charged by Colorado local
29 governments for the inspection and certification of improvements to
30 residential real property that are not manufactured homes and the fees
31 charged by governmental entities outside of Colorado for the inspection
32 and certification of manufactured homes FOR THE BOARD'S
33 CONSIDERATION. The fees ~~shall~~ MUST be paid to the division and
34 transmitted to the state treasurer, who ~~shall~~ MUST credit the fees to the
35 building regulation fund, which fund is hereby created in the state
36 treasury and referred to in this section as the "fund". All interest derived
37 from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall~~ MUST
38 be credited to the fund. Except as otherwise provided in subsection (2) of
39 this section, at the end of any fiscal year, all unexpended and
40 unencumbered ~~moneys~~ MONEY in the fund ~~shall~~ MUST remain in the fund
41 and ~~shall~~ MUST not be credited or transferred to the general fund or any

1 other fund or used for any other purpose other than to offset the costs of
2 implementing and administering and enforcing the provisions of this part
3 33.

4 (b) Notwithstanding any provision of this section to the contrary:

5 (I) On June 1, 2009, the state treasurer ~~shall~~ MUST deduct one
6 million one hundred one thousand three hundred forty-nine dollars from
7 the fund and transfer such sum to the general fund;

8 (II) On April 1, 2015, the state treasurer ~~shall~~ MUST deduct three
9 hundred thousand dollars from the general fund and transfer such sum to
10 the fund; and

11 (III) On July 1, 2016, the state treasurer ~~shall~~ MUST deduct two
12 hundred thousand dollars from the general fund and transfer such sum to
13 the fund.

14 (2) In addition to being used to offset the costs of implementing
15 and administering ~~the provisions of this part 33~~ as specified in subsection
16 (1) of this section, ~~moneys~~ MONEY in the fund may be expended:

17 (a) To provide education and training to manufacturers, ~~dealers;~~
18 SELLERS, installers, building department employees, elected officials, and,
19 as appropriate, other persons affected by the mobile, manufactured, and
20 factory-built structures industry regarding the building codes and state
21 program requirements applicable to mobile, manufactured, and
22 factory-built structures within the state;

23 (b) To provide consumer training throughout the state that will
24 help a consumer ~~to~~ make informed decisions when purchasing or
25 considering the purchase of a mobile home, manufactured home, or
26 factory-built structure; and

27 (c) To provide education and grants that will help manufacturers,
28 ~~dealers;~~ SELLERS, installers, owners, and, as appropriate, other parties
29 affected by the mobile, manufactured, and factory-built structures
30 industry address safety issues that affect mobile, manufactured, and
31 factory-built structures.

32 **SECTION 10.** In Colorado Revised Statutes, **amend** 24-32-3310
33 as follows:

34 **24-32-3310. Local enforcement.** Nothing in this part 33 ~~shall~~
35 MAY interfere with the right of local governments to enforce local rules
36 governing the installation of factory-built housing ~~approved pursuant to~~
37 ~~this part 33~~ PURSUANT TO SECTION 24-32-3318 THAT BEAR THE INSIGNIA
38 OF APPROVAL ISSUED BY THE DIVISION PURSUANT TO SECTION 24-32-3311
39 (1)(a) if the local rules are not inconsistent with state rules adopted
40 pursuant to section 24-32-3305.

41 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-32-3311

1 as follows:

2 **24-32-3311. Certification of factory-built residential and**
3 **nonresidential structures.** (1) (a) Factory-built structures ~~manufactured;~~
4 CONSTRUCTED, sold, or offered for sale within this state after the effective
5 date of the rules promulgated pursuant to this part 33 ~~shall~~ MUST bear an
6 insignia of approval issued by the division and affixed by the division or
7 an authorized quality assurance representative.

8 (a.3) MANUFACTURERS OF FACTORY-BUILT STRUCTURES TO BE
9 INSTALLED IN THE STATE MUST REGISTER WITH THE DIVISION AS PROVIDED
10 IN BOARD RULES AND ARE SUBJECT TO ENFORCEMENT ACTION, INCLUDING
11 SUSPENSION OR REVOCATION OF THEIR REGISTRATION FOR FAILING TO
12 COMPLY WITH REQUIREMENTS CONTAINED IN THIS PART 33 AND BOARD
13 RULES.

14 (a.5) Factory-built structures ~~manufactured~~ CONSTRUCTED or sold
15 for transportation to and installation in another state need not bear an
16 insignia of approval issued by the division.

17 (a.7) THE DIVISION MUST CONDUCT A FULL DESIGN AND PLAN
18 REVIEW AND INSPECTION OF THE CONSTRUCTION OF FACTORY-BUILT
19 STRUCTURES TO THE EXTENT THE DESIGN AND CONSTRUCTION RELATES TO
20 WORK PERFORMED OFFSITE OR WORK THAT IS COMPLETED ONSITE USING
21 COMPONENTS SHIPPED WITH THE FACTORY-BUILT STRUCTURE AS
22 REFLECTED IN THE APPROVED PLANS FOR THE FACTORY-BUILT STRUCTURE.
23 A LOCAL GOVERNMENT MAY NOT DUPLICATE EFFORTS TO REVIEW OR
24 APPROVE THE CONSTRUCTION OF A FACTORY-BUILT STRUCTURE THAT IS
25 UNDER REVIEW OR APPROVED BY THE DIVISION NOR MAY IT CHARGE
26 BUILDING PERMIT FEES TO COVER THE COST OF PLAN REVIEWS OR
27 INSPECTIONS PERFORMED BY THE DIVISION. A LOCAL GOVERNMENT'S
28 JURISDICTION IS LIMITED TO WORK DONE ONSITE IN COMPLIANCE WITH
29 SECTION 24-32-3311 (6) AND INCLUDES ASSOCIATED PLAN REVIEW,
30 PERMITS, INSPECTIONS, AND FEES. THE DIVISION MAY AUTHORIZE A LOCAL
31 GOVERNMENT TO INSPECT AND APPROVE WORK THAT IS COMPLETED
32 ONSITE USING COMPONENTS SHIPPED WITH THE FACTORY-BUILT
33 STRUCTURE AS REFLECTED IN THE APPROVED PLANS FOR THE
34 FACTORY-BUILT STRUCTURE. A LOCAL GOVERNMENT MAY CHARGE
35 INSPECTION FEES IF AUTHORIZED TO ASSIST THE DIVISION TO INSPECT AND
36 APPROVE WORK THAT IS COMPLETED ONSITE USING COMPONENTS SHIPPED
37 WITH THE FACTORY-BUILT STRUCTURE AS REFLECTED IN THE APPROVED
38 PLANS FOR THE FACTORY-BUILT STRUCTURE.

39 (b) Rented or leased factory-built structures that are occupied on
40 or after March 1, 2009, ~~shall~~ MUST bear an insignia of approval issued by
41 the division and affixed by the division or an authorized quality assurance

1 representative.

2 (2) Factory-built residential structures ~~manufactured~~
3 CONSTRUCTED prior to March 31, 1971, ~~shall be~~ ARE subject to any
4 existing state or local government rules relating to the ~~manufacture~~
5 CONSTRUCTION of the structures.

6 (3) Factory-built nonresidential structures ~~manufactured~~
7 CONSTRUCTED prior to ~~June 31,~~ JULY 1, 1991, ~~shall be~~ ARE subject to any
8 existing state or local government rules relating to the ~~manufacture~~
9 CONSTRUCTION of the structures.

10 (4) A factory-built structure bearing an insignia of approval issued
11 by the division and affixed by the division or an authorized quality
12 assurance representative pursuant to this part 33 ~~shall be~~ IS deemed to be
13 designed and constructed in compliance with the requirements of all
14 ~~ordinances or rules, including those for electrical and plumbing,~~ CODES
15 AND STANDARDS enacted or adopted by the state ~~or by any local~~
16 ~~government~~ AND ACCOUNTING FOR ANY LOCAL GOVERNMENT
17 INSTALLATION REQUIREMENTS ADOPTED IN COMPLIANCE WITH SECTIONS
18 24-32-3310 AND 24-32-3318 that are applicable to the ~~manufacture~~
19 CONSTRUCTION of factory-built structures to the extent that the design and
20 construction relates to work performed in a factory or work that is
21 completed at a site using components shipped with the factory-built
22 structure as reflected in the approved plans for the factory-built structure.
23 The determination by the ~~board~~ DIVISION of the scope of such approval is
24 final. AN INSIGNIA OF APPROVAL AFFIXED TO THE FACTORY-BUILT
25 STRUCTURE DOES NOT EXPIRE UNLESS THE DESIGN AND CONSTRUCTION OF
26 THE FACTORY-BUILT STRUCTURE HAS BEEN MODIFIED FROM APPROVED
27 PLANS.

28 (5) No factory-built structures bearing an insignia of approval
29 issued by the division and affixed by the division or an authorized quality
30 assurance representative pursuant to this part 33 ~~shall~~ MAY be in any way
31 modified contrary to the rules promulgated pursuant to section
32 24-32-3305 prior to or during installation unless approval is first obtained
33 from the division.

34 (6) All work at a site that is unrelated to the installation of a
35 factory-built structure or components shipped with the factory-built
36 structure, including additions, modifications, and repairs to a factory-built
37 structure, ~~shall be~~ ARE subject to applicable local government rules.

38 **SECTION 12.** In Colorado Revised Statutes, **amend** 24-32-3312
39 as follows:

40 **24-32-3312. Notification and correction of defects.** A
41 manufacturer to be certified as meeting federal standards ~~shall~~ MUST



1 furnish notification of any defect in a manufactured home produced by
2 the manufacturer that the manufacturer determines, in good faith, relates
3 to a manufactured home construction or safety standard or constitutes an
4 imminent safety hazard to the purchaser of the manufactured home within
5 a reasonable time after the manufacturer has discovered the defect in
6 accordance with the provisions under the federal act or any board rule.

7 **SECTION 13.** In Colorado Revised Statutes, **amend 24-32-3313**
8 as follows:

9 **24-32-3313. Injunctive relief.** The ~~state director of housing~~
10 DIVISION may request the appropriate court to enjoin the sale or delivery
11 of any factory-built structure upon an affidavit, specifying the manner in
12 which the factory-built structure does not conform to the requirements of
13 this part 33 or the rules promulgated pursuant to this part 33. The ~~director~~
14 DIVISION may suspend the authority of a manufacturer to affix insignias
15 while injunctive relief is being sought.

16 **SECTION 14.** In Colorado Revised Statutes, **amend 24-32-3314**
17 as follows:

18 **24-32-3314. Cooperation with department of revenue.** The
19 division ~~shall~~ MAY cooperate with the department of revenue in any
20 manner feasible to ensure that the provisions of this part 33 are carried
21 out.

22 **SECTION 15.** In Colorado Revised Statutes, 24-32-3315, **amend**
23 (1), (2), (3), (4) introductory portion, (4)(c), (5), (6), and (7) as follows:

24 **24-32-3315. Installers of manufactured homes - registration**
25 **- educational requirements.** (1) (a) Any installer in this state ~~shall~~ MUST
26 first register with the division. A registered installer ~~shall be~~ IS
27 responsible for supervising all employees and for the proper and
28 competent performance of all employees working under ~~his or her~~ THEIR
29 supervision.

30 (b) Persons who ~~shall~~ ARE not ~~be~~ required to register as an
31 installer with the division include:

32 (I) A person employed by a registered or certified installer, as well
33 as a person employed by a legal or commercial entity employing a
34 registered or certified installer when performing installation functions
35 under the direct on-site supervision of the registered or certified installer.
36 **and**

37 (II) ~~A person who installs one manufactured home in a~~
38 ~~twelve-month period on real property owned by the person.~~

39 (c) A homeowner who installs the owner's own manufactured
40 home THAT IS A ONE- OR TWO-FAMILY DWELLING INTENDED FOR THEIR
41 OWN PERSONAL USE is not required to register as an installer with the

1 division but ~~shall~~ MUST comply with all provisions of this part 33 other
2 than registration provisions. A HOMEOWNER IS LIMITED TO THE
3 INSTALLATION OF ONE MANUFACTURED HOME IN ANY TWELVE-MONTH
4 PERIOD AND A TOTAL OF NO MORE THAN FIVE DURING THEIR LIFETIME. A
5 HOMEOWNER INSTALLING THEIR OWN HOME IS REQUIRED TO DO THEIR OWN
6 INSTALLATION WORK. IF THE HOMEOWNER HAS ANOTHER PERSON
7 PERFORM INSTALLATION WORK ON THEIR MANUFACTURED HOME, THAT
8 PERSON IS REQUIRED TO BE A REGISTERED OR CERTIFIED INSTALLER.

9 (2) Each registered installer ~~shall~~ MUST file with the division a
10 letter of credit, certificate of deposit issued by a licensed financial
11 institution, or surety bond issued by an authorized insurer in ~~the amount~~
12 ~~of ten thousand dollars~~ AN AMOUNT AND PROCESS ESTABLISHED BY THE
13 BOARD THROUGH RULE-MAKING for the performance of an installation
14 pursuant to the manufacturer's instructions or standards promulgated by
15 the division. The letter of credit, certificate of deposit, or surety bond
16 ~~shall~~ MUST be filed with the division at the same time the initial
17 application for registration is filed.

18 (3) An application for registration or certification as a
19 manufactured home installer, whether initial or renewal, ~~shall~~ MUST be
20 submitted on a form provided by the division and ~~shall be notarized and~~
21 verified by a declaration DATED AND signed under penalty of perjury by
22 the applicant. The application ~~shall~~ MUST contain, in addition to any other
23 information the division may reasonably require, the name, address, and
24 telephone number of the applicant. The division shall make the
25 application and declaration available for public inspection.

26 (4) On and after July 1, 2008, in order to be registered initially as
27 a manufactured home installer, an applicant ~~shall~~ MUST:

28 (c) Carry and provide proof of liability insurance in an amount ~~set~~
29 ~~by the division but not less than one million dollars~~ AND PROCESS
30 ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

31 (5) A registration issued pursuant to this section ~~shall be~~ IS valid
32 for one year from the date of issuance and ~~shall not~~ CANNOT be
33 transferred or assigned to another person. The amount of the registration
34 fee ~~shall~~ MUST be no more than two hundred fifty dollars. If any of the
35 application information for the registered installer changes after the
36 issuance of a registration, the registered installer ~~shall~~ MUST notify the
37 division in writing within thirty days from the date of the change. The
38 division may suspend, revoke, or deny renewal of a registration if the
39 registered installer fails to notify the division of any change in the
40 application.

41 (6) Any registered installer seeking to renew registration ~~shall~~

1 MUST, at the time of applying for renewal, provide proof of liability
2 insurance, proof of completion of ~~eight hours of~~ division-approved
3 installation education ~~within the past twelve months~~ AS ESTABLISHED BY
4 THE BOARD THROUGH RULE-MAKING, and a letter of credit, certificate of
5 deposit, or surety bond for the registration term in compliance with
6 subsections (2) and (4) of this section.

7 (7) (a) Any registered installer who has performed five
8 installations that have passed inspection by the division may apply to the
9 division for certification. The division ~~shall~~ WILL issue certification to
10 qualified registered installers. The division ~~shall not~~ CANNOT charge a fee
11 for certification of installers.

12 (b) ~~Installations performed by certified installers shall only be~~
13 ~~inspected by the division or an independent contractor upon the written~~
14 ~~request of the owner, installer, manufacturer, or retailer. The owner,~~
15 ~~installer, manufacturer, or retailer shall have the right to be present at any~~
16 ~~inspection.~~

17 **SECTION 16.** In Colorado Revised Statutes, **add** 24-32-3315.5
18 as follows:

19 **24-32-3315.5. Contract for the installation of manufactured**
20 **homes - requirements.** (1) A REGISTERED OR CERTIFIED INSTALLER MUST
21 PROVIDE A CONTRACT FOR THE INSTALLATION OF EACH MANUFACTURED
22 HOME AND MAKE THE FOLLOWING DISCLOSURES IN ANY CONTRACT FOR
23 THE INSTALLATION OF A MANUFACTURED HOME:

24 (a) THAT THE INSTALLER HAS A LETTER OF CREDIT, CERTIFICATE
25 OF DEPOSIT, OR SURETY BOND FILED WITH THE DIVISION FOR THE
26 PERFORMANCE OF THE INSTALLATION OF THE MANUFACTURED HOME;

27 (b) THAT AN AGGRIEVED PERSON MAY FILE A COMPLAINT WITH THE
28 DIVISION CONCERNING THE PERFORMANCE OF THE INSTALLATION OF THE
29 MANUFACTURED HOME, INCLUDING MAKING A CLAIM AGAINST THE LETTER
30 OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND FILED WITH THE
31 DIVISION; AND

32 (c) THAT AN AGGRIEVED PERSON MAY BRING A CIVIL ACTION
33 PURSUANT TO THE "COLORADO CONSUMER PROTECTION ACT", SECTION
34 6-1-105 (1)(ss), TO REMEDY VIOLATIONS OF THE INSTALLATION
35 REQUIREMENTS IN THIS PART 33. HOWEVER, DAMAGES ARE LIMITED IN
36 ACCORDANCE WITH SECTION 6-1-113 (2.7).

37 (2) ANY INSTALLER WHO FAILS TO PROVIDE A CONTRACT AS
38 REQUIRED BY THIS SECTION, INCLUDING ALL DISCLOSURES IS SUBJECT TO
39 THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY THE DIVISION.

40 **SECTION 17.** In Colorado Revised Statutes, **amend** 24-32-3316
41 as follows:



1 **24-32-3316. Compliance with manufacturer's installation**
2 **instructions.** (1) EXCEPT AS PROVIDED BY SUBSECTION (2) OR (3) OF THIS
3 SECTION, any installation of a manufactured home in this state shall be
4 performed in strict accordance with the applicable manufacturer's
5 installation instructions. A COPY OF THE MANUFACTURER'S INSTRUCTIONS
6 OR THE STANDARDS PROMULGATED BY THE DIVISION MUST BE AVAILABLE
7 AT THE TIME OF INSTALLATION AND INSPECTION.

8 (2) IF, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT,
9 THE INSTALLER IDENTIFIES ANY REASON WHY STRICT COMPLIANCE WITH
10 THE MANUFACTURER'S INSTALLATION INSTRUCTIONS WOULD CAUSE HARM
11 OR WOULD OTHERWISE BE UNSUITED TO THE PARTICULAR
12 CIRCUMSTANCES, THE INSTALLER MUST CONTACT THE DIVISION ABOUT
13 HOW TO PROCEED.

14 (3) ~~Where the~~ IF A manufacturer's INSTALLATION instructions are
15 not AVAILABLE OR applicable TO A PARTICULAR INSTALLATION, THE
16 installation ~~shall be in accordance~~ MUST PROCEED IN COMPLIANCE with
17 standards promulgated by the division. ~~A copy of the manufacturer's~~
18 ~~instructions or the standards promulgated by the division shall be~~
19 ~~available at the time of installation and inspection.~~

20 **SECTION 18.** In Colorado Revised Statutes, **amend 24-32-3317**
21 as follows:

22 **24-32-3317. Installation of manufactured homes - certificates**
23 **- inspections - inspector qualification and education requirements -**
24 **rules.** (1) Before beginning the installation of a manufactured home, the
25 owner or registered installer of a manufactured home ~~shall make an~~
26 ~~application for an installer's certificate~~ MUST SUBMIT A REQUEST TO THE
27 DIVISION AND RECEIVE AN INSTALLATION AUTHORIZATION from the
28 division ON A DIVISION-APPROVED FORM, UNLESS THE INSTALLATION IS
29 OCCURRING IN A JURISDICTION WHERE A LOCAL GOVERNMENT IS
30 PARTICIPATING AS AN INDEPENDENT CONTRACTOR, IN WHICH CASE THE
31 OWNER OR REGISTERED INSTALLER IS TO FOLLOW THE LOCAL
32 GOVERNMENT'S PROCESS FOR RECEIVING AUTHORIZATION TO INSTALL A
33 MANUFACTURED HOME.

34 (2) The division may certify any installer who provides evidence
35 of five or more installations of manufactured homes performed by the
36 installer for which ~~certificates~~ INSTALLATION AUTHORIZATIONS have
37 previously been issued pursuant to this section when, in the judgment of
38 the division, the installer has demonstrated the ability to successfully
39 complete installations of manufactured homes in accordance with the
40 requirements of this part 33.

41 (2.3) An installer certified by the division ~~may, at the time of~~



1 ~~obtaining~~ IS NOT REQUIRED TO OBTAIN an installation ~~certificate required~~
2 ~~by subsection (1) of this section~~, AUTHORIZATION FROM THE DIVISION,
3 BUT IS REQUIRED TO obtain a standard form of certificate of installation to
4 ~~be completed by the certified installer~~ AUTHORIZATION TO INSTALL A
5 MANUFACTURED HOME FROM ANY LOCAL GOVERNMENT PARTICIPATING AS
6 AN INDEPENDENT CONTRACTOR. AN INSTALLATION INSIGNIA ISSUED BY
7 THE DIVISION IS TO BE AFFIXED ON THE MANUFACTURED HOME BY THE
8 CERTIFIED INSTALLER upon completion of the installation of the
9 manufactured home in accordance with the requirements of this part 33
10 ~~The certified installer shall, upon attachment of the certificate of~~
11 ~~installation to the manufactured home, transmit a report of the certificate~~
12 ~~to the division.~~ AND BOARD RULES IN ANY JURISDICTION NOT
13 PARTICIPATING AS AN INDEPENDENT CONTRACTOR.

14 (2.5) THE DIVISION OR INDEPENDENT CONTRACTOR WILL AFFIX AN
15 INSTALLATION INSIGNIA UPON PASSING AN INSPECTION OF AN
16 INSTALLATION THAT WAS COMPLETED IN ACCORDANCE WITH THE
17 REQUIREMENTS OF THIS PART 33 AND BOARD RULES. A LOCAL
18 GOVERNMENT PARTICIPATING AS AN INDEPENDENT CONTRACTOR IS TO
19 AUTHORIZE, INSPECT, AND CERTIFY ALL INSTALLATIONS OCCURRING IN ITS
20 JURISDICTION ON BEHALF OF THE DIVISION, INCLUDING ANY PERFORMED
21 BY A CERTIFIED INSTALLER.

22 (2.7) ANY INSTALLATIONS CERTIFIED ON BEHALF OF THE DIVISION
23 BY A CERTIFIED INSTALLER OR INDEPENDENT CONTRACTOR MUST BE
24 REPORTED TO THE DIVISION IN A MANNER SPECIFIED BY THE DIVISION.

25 (2.9) The division or independent contractor at the request of the
26 division may, at the division's sole discretion, inspect the installation of
27 any manufactured home performed by a certified installer pursuant to this
28 ~~subsection (2)~~ SUBSECTION (2.9) and may require the certified installer to
29 correct, within a period established by rule promulgated by the board, any
30 defects or deficiencies in the installation. The division may revoke the
31 certification of any installer certified pursuant to this ~~subsection (2)~~
32 SUBSECTION (2.9) when, in the judgment of the division, the installer has
33 performed installations of a manufactured home in violation of the
34 requirements of this part 33. Any installer whose certification has been so
35 revoked may apply for recertification in accordance with rules
36 promulgated by the division.

37 (3) (a) The division may FINE, suspend, or revoke the registration
38 of a registered installer if the installer fails to:

39 (I) Comply with the registration requirements of section
40 24-32-3315; or

41 (II) Otherwise pay to the owner or occupant of a manufactured



1 home:

2 (A) The cost of an inspection that fails to meet the requirements
3 of the manufacturer's instructions or the standards promulgated by the
4 division OR ANY SUBSEQUENT REQUIRED INSPECTION;

5 (B) The cost of any subsequent repairs that are necessary to bring
6 the installation into compliance with the manufacturer's instructions or the
7 standards promulgated by the division; or

8 (C) ~~The cost of subsequent required inspections~~ A REFUND OF ANY
9 MONEY PAID UP FRONT THAT DID NOT RESULT IN A COMPLETE
10 INSTALLATION OF THE MANUFACTURED HOME OR THE COST OF
11 COMPLETING THE INSTALLATION BY A DIFFERENT REGISTERED INSTALLER.

12 (b) ~~The division may execute a performance bond on behalf of an~~
13 ~~owner~~ A FINANCIAL INSTITUTION OR AUTHORIZED INSURER IS REQUIRED
14 TO MAKE PAYMENT TO THE DIVISION MAKING A CLAIM AGAINST THE
15 LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND IF A COURT
16 OF COMPETENT JURISDICTION HAS RENDERED A FINAL JUDGMENT IN FAVOR
17 OF THE DIVISION BASED ON A FINDING THAT THE REGISTERED INSTALLER
18 FAILED TO PERFORM ON THE INSTALLATION OF THE MANUFACTURED HOME
19 AS REQUIRED BY THIS PART 33 OR BOARD RULES OR UPON A CEASING OF
20 BUSINESS OPERATIONS OR A BANKRUPTCY FILING BY THE REGISTERED
21 INSTALLER. ANY INSTALLER WHO FAILS TO PROVIDE A LETTER OF CREDIT,
22 CERTIFICATE OF DEPOSIT, OR SURETY BOND AS REQUIRED BY SECTION
23 24-32-3315 (2) AND (6) OR WHO OTHERWISE FAILS TO PAY ANY JUDGMENT
24 BY A COURT OF COMPETENT JURISDICTION IN FAVOR OF THE DIVISION IS
25 SUBJECT TO THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY
26 THE DIVISION.

27 (c) THE DIVISION MAY ALSO TAKE ENFORCEMENT ACTION ON THE
28 REGISTRATION OF AN INSTALLER FOR FAILING TO COMPLY WITH ANY
29 OTHER INSTALLATION REQUIREMENTS CONTAINED IN THIS PART 33 AND
30 ANY BOARD RULES.

31 (4) An owner ~~and~~ OR a registered installer ~~shall~~ MUST display an
32 ~~installer's certificate~~ INSTALLATION AUTHORIZATION at the site of a
33 manufactured home to be installed until ~~a certificate of installation~~ AN
34 INSTALLATION INSIGNIA is issued by the division OR INDEPENDENT
35 CONTRACTOR, UNLESS THE INSTALLATION IS OCCURRING IN A
36 JURISDICTION WHERE A LOCAL GOVERNMENT IS PARTICIPATING AS AN
37 INDEPENDENT CONTRACTOR, IN WHICH CASE THE OWNER OR REGISTERED
38 INSTALLER IS TO FOLLOW THE LOCAL GOVERNMENT'S PROCESS FOR
39 IDENTIFYING A MANUFACTURED HOME TO BE INSTALLED UNTIL THE
40 DIVISION'S INSTALLATION INSIGNIA IS ISSUED BY THE LOCAL GOVERNMENT.

41 (5) (a) The division shall adopt rules that specify a standard form



1 to be used statewide by the division or an independent contractor as a
2 certificate of installation certifying that a manufactured home was
3 installed in compliance with the provisions of this part 33. However, the
4 certificate of installation applies only to installation of a manufactured
5 home built in a factory and components shipped with the manufactured
6 home as reflected in the approved plans for the manufactured home. The
7 certificate of installation ~~shall~~ MUST include but not be limited to the
8 following:

- 9 (I) The name, address, and telephone number of the division;
- 10 (II) The date the installation was completed; and
- 11 (III) The name, address, telephone number, and registration
12 number of the registered installer who performed the installation.

13 (b) If a vacant manufactured home fails an installation inspection
14 because of conditions that endanger the health or safety of the occupant,
15 the manufactured home ~~shall not~~ CANNOT be occupied. If a manufactured
16 home fails an installation inspection because of conditions that do not
17 endanger the health or safety of the occupant, the manufactured home
18 may be occupied pending the correction of those defects or deficiencies
19 that served as the basis of the failed inspection.

20 (6) In addition to inspections performed pursuant to ~~subsection (2)~~
21 SUBSECTION (2.9) of this section, the division or the independent
22 contractor that performs inspections and enforcement of proper
23 installation of manufactured homes may inspect the installation of a
24 manufactured home upon request filed by the owner, installer,
25 manufacturer, or ~~retailer~~ SELLER of the manufactured home. The
26 inspection ~~shall~~ MUST be paid for by the party that requested the
27 inspection.

28 (7) If the installation of a manufactured home by an installer has
29 failed the inspection conducted by the division or the independent
30 contractor and it is determined by the division or the independent
31 contractor that the installer has violated any of the installation standards
32 promulgated by the division, the installer ~~shall~~ MUST reimburse the party
33 requesting the inspection for the cost of the failed inspection and ~~shall~~
34 MUST pay for any subsequent repairs necessary to bring the installation
35 into compliance with the manufacturer's instructions or standards
36 promulgated by the division. The installer ~~shall~~ MUST also pay for any
37 subsequent inspections required by the division or the independent
38 contractor. Failure of the installer to pay for any inspections or
39 subsequent repairs deemed necessary by the division or the independent
40 contractor shall result in the forfeiture of the installer's performance bond
41 on behalf of the owner of the manufactured home.



1 (8) The division may authorize an independent contractor to
2 perform inspections and enforcement of proper installation of
3 manufactured homes. The division may provide training for independent
4 contractors. Independent contractors ~~shall~~ MUST be certified by the
5 division to perform installation inspections. The division ~~shall~~ MUST
6 establish by rule the qualifications of an inspector and the areas of
7 expertise necessary for inspecting manufactured homes. On and after July
8 1, 2008, a new inspector must pass a division-approved installation test.
9 The qualifications for an inspector include but are not limited to those of
10 a professional civil engineer or local housing inspector or independent
11 contractor. Commencing in 2009, inspectors ~~shall~~ MUST also complete,
12 and maintain records of the completion of, ~~either:~~ OF DIVISION-APPROVED
13 EDUCATION AS ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

14 (a) ~~Twelve hours of division-approved education and twelve hours~~
15 ~~of international code council education every three calendar years; or~~

16 (b) ~~Twenty-four hours of division-approved education every three~~
17 ~~calendar years.~~

18 (9) If an installation or subsequent repair of an installation by an
19 installer fails to meet the standards promulgated by the division within a
20 period determined by the division, the division ~~shall~~ MUST investigate the
21 actions of the installer. The division may revoke, suspend, or refuse to
22 renew the registration or certification of the installer for failing to comply
23 with the division's standards regarding installation of a manufactured
24 home. Any independent contractor that knows of an installer whose
25 installations fail inspection and have not been cured by subsequent repair
26 ~~shall~~ MUST request that the division investigate the installer.

27 (10) The ~~division shall~~ BOARD MUST adopt rules concerning:

28 (a) A standard installer inspection form to be used statewide by
29 the division or an independent contractor that performs manufactured
30 home installation inspection and enforcement activities;

31 (b) Certification requirements for independent contractors to use
32 to inspect installations;

33 (c) Proper installation inspection and enforcement standards;

34 (d) A standard certificate of installation to be used statewide by
35 the division; and

36 (e) Any other rule necessary for the implementation of
37 manufactured home installation requirements in this part 33.

38 **SECTION 19.** In Colorado Revised Statutes, **amend 24-32-3318**
39 as follows:

40 **24-32-3318. Local installation standards preempted.** A local
41 government ~~unit~~ may not adopt less stringent standards for the installation



1 of a manufactured home than those promulgated by the division. A local
2 government ~~unit~~ may not, without express consent by the division, adopt
3 different standards than the standards for the installation of a
4 manufactured home promulgated by the division. Nothing in this section
5 ~~shall~~ MAY preclude a local government ~~unit~~ from enacting standards for
6 ~~manufactured~~ MOBILE OR MODULAR homes concerning unique public
7 safety requirements RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS,
8 such as weight restrictions for ROOF snow loads or wind shear factors, as
9 otherwise permitted by law. A LOCAL GOVERNMENT MAY NOT IMPOSE
10 WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS OR WIND SHEAR FACTORS
11 ON A MANUFACTURED HOME BUILT TO THE FEDERAL MANUFACTURED
12 HOME CONSTRUCTION AND SAFETY STANDARDS THAT ARE DIFFERENT
13 FROM WHAT HAS BEEN ZONED FOR THE STATE OF COLORADO BY THE
14 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
15 PURSUANT TO THE FEDERAL ACT OR IMPOSE ANY OTHER REQUIREMENTS
16 THAT WOULD IMPACT THE DESIGN AND CONSTRUCTION OF THE HOME,
17 UNLESS AN EXEMPTION HAS BEEN GRANTED FOR THAT JURISDICTION BY
18 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
19 DEVELOPMENT. NOTHING IN THIS SECTION PROHIBITS A LOCAL
20 GOVERNMENT FROM REQUIRING ONSITE MITIGATION TO ADDRESS UNIQUE
21 PUBLIC SAFETY REQUIREMENTS RELATED TO GEOGRAPHIC AND CLIMATIC
22 CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS AND
23 WIND SHEAR FACTORS, ON A MANUFACTURED HOME BUILT TO THE
24 FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS,
25 SO LONG AS THERE IS NO INTERFERENCE WITH THE FEDERAL STANDARDS
26 FOR THE DESIGN AND CONSTRUCTION OF THE MANUFACTURED HOME.

27 **SECTION 20.** In Colorado Revised Statutes, **amend 24-32-3319**
28 as follows:

29 **24-32-3319. Prohibited acts.** It shall be unlawful for any person
30 to perform an installation without regard to whether the person receives
31 compensation, except as provided in this part 33. Any intentional
32 violation of the installation provisions of this part 33 constitutes a
33 deceptive trade practice subject to ~~the provisions of article 1 of title 6;~~
34 ~~C.R.S.~~ SECTION 6-1-105 (1)(ss) AND THE "COLORADO CONSUMER
35 PROTECTION ACT", ARTICLE 1 OF TITLE 6. However, damages ~~shall~~ MUST
36 be limited in accordance with ~~the provisions of section 6-1-113 (2.7).~~
37 ~~C.R.S.~~

38 **SECTION 21.** In Colorado Revised Statutes, **amend 24-32-3320**
39 as follows:

40 **24-32-3320. Penalty for violation.** Any person found to have
41 performed an installation in a manner contrary to the requirements of this



1 part 33 ~~shall be~~ IS subject to revocation or suspension of an installer's
2 registration, fines, or any other measures as prescribed by rule
3 promulgated by the division or other applicable Colorado law. THE
4 DIVISION MAY ISSUE A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH
5 VIOLATION. Multiple violations of this part 33 committed during a single
6 installation ~~shall constitute~~ CONSTITUTES one violation. Each installation
7 performed in violation of this part 33 ~~shall~~ WILL constitute a separate
8 violation. Fines ~~shall~~ MUST be paid to the division and transmitted to the
9 state treasurer who ~~shall~~ MUST credit the fees to the building regulation
10 fund created in section 24-32-3309.

11 **SECTION 22.** In Colorado Revised Statutes, **amend** 24-32-3321
12 as follows:

13 **24-32-3321. Investigations of consumer complaints.** The
14 division may investigate complaints filed by owners, occupants, or other
15 consumers relating to the CONSTRUCTION OF FACTORY-BUILT STRUCTURES
16 AND MANUFACTURED HOMES, AND THE SALE OR installation of
17 manufactured homes as necessary to enforce and administer this part 33.

18 **SECTION 23.** In Colorado Revised Statutes, **amend** 24-32-3322
19 as follows:

20 **24-32-3322. Training of inspectors - acceptance of gifts,**
21 **grants, and donations.** (1) On and after July 1, 2000, the division ~~shall~~
22 MUST train independent contractors to perform installation inspections for
23 manufactured homes. The training ~~shall~~ MUST enable independent
24 contractors who successfully complete the training to become certified by
25 the division.

26 (2) On and after July 1, 2000, the division may accept gifts,
27 grants, or donations for the training of independent contractors. The gifts,
28 grants, or donations received ~~shall~~ MUST be transmitted to the state
29 treasurer who ~~shall~~ MUST credit the ~~moneys~~ MONEY to the building
30 regulation fund created in section 24-32-3309.

31 **SECTION 24.** In Colorado Revised Statutes, 24-32-3323, **amend**
32 (1), (2), (3), (4) introductory portion, (4)(c), and (4)(d); and **add** (4)(e) as
33 follows:

34 **24-32-3323. Sellers of manufactured homes - registration.**
35 (1) ~~Any person whose business involves the sale of manufactured homes~~
36 ~~shall be~~ SELLER IS required to register with the division before engaging
37 in the business of selling manufactured homes TO BE INSTALLED in
38 Colorado. ~~Any person who wishes to engage in the business of selling~~
39 ~~manufactured homes in Colorado through advertising or sales activities~~
40 ~~but who does not operate a retail location in Colorado shall obtain a~~
41 ~~single registration. Any person who wishes to engage in the business of~~

1 ~~selling manufactured homes from one or more retail locations in Colorado~~
2 ~~shall obtain a separate registration for each location. The registration~~
3 ~~requirements of this section shall not apply to any individual who, for a~~
4 ~~salary, commission, or compensation of any kind, is employed directly or~~
5 ~~indirectly by any registered manufactured home seller to sell or negotiate~~
6 ~~for the sale of manufactured homes.~~

7 (2) An application for a registration or renewal required by this
8 section ~~shall~~ MUST be submitted on a form provided by the division and
9 ~~shall~~ MUST be verified by a declaration signed AND DATED, under penalty
10 of perjury, by a principal of the manufactured home seller. The
11 application ~~shall~~ MUST contain, in addition to such other information
12 regarding the conduct of the manufactured home seller's business as the
13 division may reasonably require, the name, address, and position of each
14 principal of the manufactured home seller and each person who exercises
15 management responsibilities as part of the manufactured home seller's
16 business activities. The application ~~shall~~ MUST also contain the address
17 and telephone number of each retail location operated by the applicant as
18 well as the location and account number of the separate fiduciary account
19 required by section 24-32-3324 (1) AND ANY BOARD RULES. The
20 ~~declaration shall specify the date and location of the signing, and the~~
21 ~~division shall~~ MUST preserve the application and declaration and make
22 them available for public inspection.

23 (3) A registration issued pursuant to subsection (2) of this section
24 ~~shall be~~ IS valid for one year after the date of issuance. The amount of the
25 registration fee ~~shall~~ CANNOT be ~~no~~ more than two hundred dollars. If,
26 after issuance of a registration, any of the required information submitted
27 with the application for the registration pursuant to subsection (2) of this
28 section becomes inaccurate, a principal of the manufactured home seller
29 ~~shall~~ MUST notify the division in writing of the inaccuracy within thirty
30 days and provide the division with accurate updated information.

31 (4) For purposes of this section, a person is not ~~engaged in the~~
32 ~~business of selling manufactured homes~~ A SELLER if the person:

33 (c) Sells a manufactured home for salvage or nonresidential use;
34 ~~or~~

35 (d) Directly or indirectly sells, in any calendar year, three or fewer
36 previously occupied manufactured homes that are owned by a
37 manufactured home park owner and are located within one or more
38 manufactured home parks in Colorado; OR

39 (e) FOR A SALARY, COMMISSION, OR COMPENSATION OF ANY KIND,
40 IS EMPLOYED DIRECTLY OR INDIRECTLY BY ANY REGISTERED
41 MANUFACTURED HOME SELLER TO SELL OR NEGOTIATE FOR THE SALE OF

1 MANUFACTURED HOMES.

2 **SECTION 25.** In Colorado Revised Statutes, **amend 24-32-3324**
3 as follows:

4 **24-32-3324. Escrow and bonding requirements.** (1) Any
5 person required to register with the division pursuant to section
6 24-32-3323 ~~shall~~ MUST COMPLY WITH ANY escrow ~~all manufactured home~~
7 ~~sale down payments in a separate fiduciary account in a bank or trust~~
8 ~~company that does business in the state of Colorado until the~~
9 ~~manufactured home is delivered to the purchaser~~ REQUIREMENTS AS
10 ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

11 (2) A ~~person required to register with the division pursuant to~~
12 ~~section 24-32-3323 shall~~ SELLER MUST provide a letter of credit,
13 certificate of deposit issued by a licensed financial institution, or surety
14 bond issued by an authorized insurer in ~~the AN amount of fifty thousand~~
15 ~~dollars and conditioned upon the person's refund of any home sale down~~
16 ~~payment in accordance with the terms of the contract pursuant to which~~
17 ~~the payment was received. A person required to register with the division~~
18 ~~pursuant to section 24-32-3323 who wishes to engage in the business of~~
19 ~~selling manufactured homes from one or more retail locations in Colorado~~
20 ~~need not provide a separate letter of credit, certificate of deposit, or surety~~
21 ~~bond for each retail location, but may meet the requirements of this~~
22 ~~section by providing a single letter of credit, certificate of deposit, or~~
23 ~~surety bond. The letter of credit, certificate of deposit, or surety bond~~
24 ~~shall be filed with the division at the same time as the initial application~~
25 ~~for registration and shall be drawn in favor of the attorney general for the~~
26 ~~use of the people of Colorado. At least once per month, the division shall~~
27 ~~send the attorney general an updated list of all persons registered and~~
28 ~~bonded pursuant to the requirements of this part 33. The letter of credit,~~
29 ~~certificate of deposit, or surety bond shall be revocable only upon the~~
30 ~~written consent of the attorney general. However, a~~ AND PROCESS
31 ESTABLISHED BY THE BOARD THROUGH RULEMAKING. A financial
32 institution or authorized insurer ~~shall only be~~ IS required to make payment
33 to ~~a person~~ THE DIVISION making a claim against the letter of credit,
34 certificate of deposit, or surety bond if a court of competent jurisdiction
35 has rendered a final judgment in favor of ~~such person~~ THE DIVISION based
36 on a finding that the registered ~~person~~ SELLER failed to DELIVER THE
37 MANUFACTURED HOME OR refund ~~a manufactured home down payment~~
38 PAYMENTS MADE TOWARD THE PURCHASE OF THE MANUFACTURED HOME
39 PURSUANT TO THIS PART 33 OR BOARD RULES or provide a reasonable per
40 diem living expense in violation of the contractual provisions required by
41 section 24-32-3325 or upon a ceasing of business operations or a

1 bankruptcy filing by the registered person: SELLER. Any person who is
2 required to register with the division pursuant to section 24-32-3323 and
3 SELLER who fails to provide a letter of credit, certificate of deposit, or
4 surety bond as required by this subsection (2) or who otherwise fails to
5 pay any judgment by a court of competent jurisdiction in favor of a
6 purchaser of a manufactured home shall be THE DIVISION IS subject to the
7 suspension or revocation of the registration by the division.

8 **SECTION 26.** In Colorado Revised Statutes, amend 24-32-3325
9 as follows:

10 **24-32-3325. Contract for sale of manufactured home -**
11 **requirements.** (1) A seller who is required to register with the division
12 pursuant to section 24-32-3323 shall MUST PROVIDE A CONTRACT WITH
13 THE SALE OF EACH MANUFACTURED HOME AND make the following
14 disclosures in any contract for the sale of a manufactured home:

15 (a) That the buyer PURCHASER may have no legal right to rescind
16 the contract absent delinquent delivery of the manufactured home or the
17 existence of a specific right of rescission set forth in the contract;

18 (b) That IF REQUIRED TO MAINTAIN AN ESCROW ACCOUNT BY THE
19 DIVISION, the seller has a separate fiduciary account for the escrow of
20 home sale down payments pending delivery of the manufactured home IN
21 COMPLIANCE WITH BOARD RULES and a letter of credit, certificate of
22 deposit, or surety bond filed with the division for the repayment of home
23 sale down payments pending delivery of manufactured homes IN AN
24 AMOUNT REQUIRED IN BOARD RULES;

25 (c) That an aggrieved person may file a complaint for a refund of
26 a down ANY payment held in escrow by a seller of manufactured homes
27 against the seller with the attorney general or with the district attorney for
28 the district in which the sale occurs DIVISION; and

29 (d) That an aggrieved person may bring a civil action pursuant to
30 the provisions of the "Colorado Consumer Protection Act", article 1 of
31 title 6, C.R.S., SECTION 6-1-709 to remedy violations of manufactured
32 home seller requirements in this part 33. HOWEVER, DAMAGES ARE
33 LIMITED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6-1-113(2.5).

34 (2) A contract for the sale of a manufactured home by a person
35 who is required to register with the division pursuant to section
36 24-32-3323 shall SELLER MUST ALSO contain the following provisions:

37 (a) A date certain for the delivery of the manufactured home or a
38 listing of specified delivery preconditions that must occur before a date
39 certain for delivery can be determined; and

40 (b) A statement that if delivery of the manufactured home is
41 delayed by more than sixty days after the delivery date specified in the

1 contract of sale or by more than sixty days after the delivery preconditions
2 set forth in the contract of sale have been met if no date certain for
3 delivery has been set, the seller will either refund the manufactured home
4 sale down payment or provide a reasonable per diem living expense to the
5 buyer for the days between the delivery date specified in the contract or
6 the sixty-first day after the delivery preconditions set forth in the contract
7 have been met, whichever is applicable, and the actual date of delivery,
8 unless the delay in delivery is unavoidable or caused by the buyer; AND

9 (c) AN AGREED UPON LOCATION FOR DELIVERY OF THE
10 MANUFACTURED HOME TO THE PURCHASER.

11 (3) ANY SELLER WHO FAILS TO PROVIDE A CONTRACT AS REQUIRED
12 BY THIS SECTION, INCLUDING ALL DISCLOSURES AND PROVISIONS IS
13 SUBJECT TO THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY
14 THE DIVISION.

15 **SECTION 27.** In Colorado Revised Statutes, 24-32-3326, **amend**
16 (1) introductory portion, (1)(b), (1)(c), and (1)(d); and **add** (2) as follows:

17 **24-32-3326. Unlawful manufactured home sale practices.**

18 (1) ~~Any person who is required to register with the division pursuant to~~
19 ~~section 24-32-3323~~ A SELLER engages in an unlawful manufactured home
20 sale practice when the person:

21 (b) Fails to comply with the escrow and bonding requirements of
22 ~~section~~ SECTIONS 24-32-3323 (2.5), 24-32-3324, OR BOARD RULES;

23 (c) Fails to PROVIDE AND include in any contract for the sale of a
24 manufactured home any of the disclosures or contract provisions required
25 by section 24-32-3325; or

26 (d) Fails to refund ~~a manufactured home down payment~~ ANY
27 PAYMENTS MADE TOWARD THE PURCHASE OF THE HOME or provide a
28 reasonable per diem living expense in violation of the contractual
29 provisions required by section 24-32-3325 (2)(b).

30 (2) ANY PERSON FOUND TO BE SELLING OR HAVE SOLD A
31 MANUFACTURED HOME IN A MANNER CONTRARY TO THE REQUIREMENTS
32 OF THIS PART 33 IS SUBJECT TO REVOCATION OR SUSPENSION OF A SELLER'S
33 REGISTRATION, FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE
34 PROMULGATED BY THE DIVISION OR OTHER APPLICABLE COLORADO LAW.
35 THE DIVISION MAY ISSUE A FINE OF UP TO TEN THOUSAND DOLLARS FOR
36 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED
37 DURING A SINGLE SALE CONSTITUTE ONE VIOLATION. EACH SALE
38 PERFORMED IN VIOLATION OF THIS PART 33 CONSTITUTES A SEPARATE
39 VIOLATION. FINES MUST BE PAID TO THE DIVISION AND TRANSMITTED TO
40 THE STATE TREASURER WHO MUST CREDIT THE FEES TO THE BUILDING
41 REGULATION FUND CREATED IN SECTION 24-32-3309.

1 **SECTION 28.** In Colorado Revised Statutes, 24-32-3327, **amend**
2 (1) introductory portion, (1)(b), (1)(c), (1)(d), (2), and (3) as follows:

3 **24-32-3327. Inspections.** (1) For the purposes of enforcement of
4 this part 33, persons duly designated by the ~~state director of housing~~
5 DIVISION, upon presenting appropriate credentials to the owner, operator,
6 or agent in charge, are authorized:

7 (b) To inspect at reasonable times, within reasonable limits, and
8 in a reasonable manner, any factory, warehouse, or establishment in
9 which manufactured homes or factory-built structures are manufactured,
10 stored, or held for sale and to inspect any books, papers, records, and
11 documents that relate to the safety of manufactured homes or factory-built
12 structures. Each inspection ~~shall~~ **MUST** be commenced and completed with
13 reasonable promptness;

14 (c) To enter AND INSPECT, at reasonable times and without
15 advance notice any site on which manufactured housing is or has been
16 installed ~~for the first time for residential use~~ OR REINSTALLED AT OR NEAR
17 THE TIME OF INSTALLATION OR REINSTALLATION; and

18 (d) To inspect ~~at reasonable times, within reasonable limits, and~~
19 ~~in a reasonable manner any initial residential use installation and inspect~~
20 any books, papers, records, and documents that relate to the proper
21 installation of manufactured housing.

22 (2) In addition to any other inspection responsibilities, the division
23 ~~shall have~~ **HAS** the responsibility for the electrical inspections of any
24 factory-built structures in plants that are certified by the division pursuant
25 to this part 33.

26 (3) When acting as agent for the federal government, the division
27 is authorized to conduct inspections and investigations pursuant to this
28 section as may be necessary to promulgate or enforce federal
29 manufactured home construction and safety standards established under
30 the federal act or otherwise to carry out its duties under its agreement as
31 agent. The division ~~shall~~ **MUST** furnish the secretary any information
32 obtained indicating noncompliance with the standards for appropriate
33 action.

34 **SECTION 29.** In Colorado Revised Statutes, 30-28-115, **amend**
35 (3)(b)(I) and (3)(b)(III); and **repeal** (3)(a)(I) as follows:

36 **30-28-115. Public welfare to be promoted - legislative**
37 **declaration - construction.** (3) (a) As used in this subsection (3), unless
38 the context otherwise requires:

- 39 (I) ~~"Manufactured home" means a single family dwelling which:~~
40 (A) ~~Is partially or entirely manufactured in a factory;~~
41 (B) ~~Is not less than twenty-four feet in width and thirty-six feet in~~

1 length;
2 ~~(C) Is installed on an engineered permanent foundation;~~
3 ~~(D) Has brick, wood, or cosmetically equivalent exterior siding~~
4 ~~and a pitched roof; and~~
5 ~~(E) Is certified pursuant to the "National Manufactured Housing~~
6 ~~Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.,~~
7 ~~as amended.~~

8 (b) (I) No county shall MAY have or enact zoning regulations,
9 subdivision regulations, or any other regulation affecting development
10 which exclude or have the effect of excluding ~~manufactured~~ homes from
11 the county if ~~such homes~~ THAT ARE:

12 (A) HOMES CERTIFIED BY THE DIVISION OF HOUSING CREATED IN
13 SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT ON ITS BEHALF;

14 (B) HOMES CERTIFIED BY THE UNITED STATES DEPARTMENT OF
15 HOUSING AND URBAN DEVELOPMENT THROUGH ITS OFFICE OF
16 MANUFACTURED HOUSING PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY
17 AUTHORIZED TO ACT ON ITS BEHALF; OR

18 (C) HOMES THAT meet or exceed, on an equivalent performance
19 engineering basis, standards established by the county building code.

20 (III) Nothing in this subsection (3) shall preclude any county from
21 enacting county building code provisions for unique public safety
22 requirements such as snow load roof, wind shear, and energy
23 conservation factors, UNLESS THE HOME IS CERTIFIED BY THE DIVISION OF
24 HOUSING CREATED IN SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT
25 ON ITS BEHALF OR THE UNITED STATES DEPARTMENT OF HOUSING AND
26 URBAN DEVELOPMENT THROUGH ITS OFFICE OF MANUFACTURED HOUSING
27 PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY AUTHORIZED TO ACT ON
28 ITS BEHALF. A COUNTY MUST COMPLY WITH SECTION 24-32-3318 WHEN
29 ENACTING BUILDING CODE PROVISIONS FOR A MANUFACTURED HOME AS
30 DEFINED IN SECTION 24-32-3302 (20).

31 **SECTION 30.** In Colorado Revised Statutes, 31-23-301, **amend**
32 (5)(b)(I) and (5)(b)(III); and **repeal** (5)(a)(I) as follows:

33 **31-23-301. Grant of power.** (5) (a) As used in this subsection
34 (5), unless the context otherwise requires:

35 (I) "~~Manufactured home~~" means a single family dwelling which:

36 ~~(A) Is partially or entirely manufactured in a factory;~~

37 ~~(B) Is not less than twenty-four feet in width and thirty-six feet in~~
38 ~~length;~~

39 ~~(C) Is installed on an engineered permanent foundation;~~

40 ~~(D) Has brick, wood, or cosmetically equivalent exterior siding~~
41 ~~and a pitched roof; and~~

1 ~~(E) Is certified pursuant to the "National Manufactured Housing~~
2 ~~Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.,~~
3 ~~as amended.~~

4 (b) (I) No municipality ~~shall~~ MAY have or enact zoning
5 regulations, subdivision regulations, or any other regulation affecting
6 development ~~which~~ THAT exclude or have the effect of excluding
7 ~~manufactured~~ homes from the municipality ~~if such homes~~ THAT ARE:

8 (A) HOMES CERTIFIED BY THE DIVISION OF HOUSING CREATED IN
9 SECTION 24-32-703 OR A PARTY AUTHORIZED TO ACT ON ITS BEHALF;

10 (B) HOMES CERTIFIED BY THE UNITED STATES DEPARTMENT OF
11 HOUSING AND URBAN DEVELOPMENT THROUGH ITS OFFICE OF
12 MANUFACTURED HOUSING PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY
13 AUTHORIZED TO ACT ON ITS BEHALF; OR

14 (C) HOMES THAT meet or exceed, on an equivalent performance
15 engineering basis, standards established by the municipal building code.

16 (III) Nothing in this subsection (5) shall preclude any municipality
17 from enacting municipal building code provisions for unique public
18 safety requirements such as snow load roof, wind shear, and energy
19 conservation factors, UNLESS THE HOME IS CERTIFIED BY THE DIVISION OF
20 HOUSING CREATED IN SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT
21 ON ITS BEHALF OR THE UNITED STATES DEPARTMENT OF HOUSING AND
22 URBAN DEVELOPMENT THROUGH ITS OFFICE OF MANUFACTURED HOUSING
23 PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY AUTHORIZED TO ACT ON
24 ITS BEHALF. A MUNICIPALITY MUST COMPLY WITH SECTION 24-32-3318
25 WHEN ENACTING BUILDING CODE PROVISIONS FOR A MANUFACTURED
26 HOME AS DEFINED IN SECTION 24-32-3302 (20).

27 **SECTION 31. Act subject to petition - effective date.** This act
28 takes effect at 12:01 a.m. on the day following the expiration of the
29 ninety-day period after final adjournment of the general assembly; except
30 that, if a referendum petition is filed pursuant to section 1 (3) of article V
31 of the state constitution against this act or an item, section, or part of this
32 act within such period, then the act, item, section, or part will not take
33 effect unless approved by the people at the general election to be held in
34 November 2022 and, in such case, will take effect on the date of the
35 official declaration of the vote thereon by the governor."

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