

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 21-0420.01 Sarah Lozano x3858

HOUSE BILL 21-1019

HOUSE SPONSORSHIP

Hooton,

SENATE SPONSORSHIP

(None),

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE REGULATIONS OF**
102 **FACTORY-BUILT STRUCTURES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill makes the following modifications to the regulations of factory-built structures, manufactured housing, and installers and sellers of manufactured housing:

- Clarifies that a local government may enforce local rules governing the installation of factory-built housing that are approved by the division of housing (division);

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

- Clarifies that authority granted to the division is over work related to factory-built structures that is completed offsite or completed onsite with components shipped with the factory-built structure;
- Clarifies that a local government's authority is over work completed onsite and is not over work performed offsite or work that is completed onsite using components shipped with the factory-built structure;
- Allows the division to authorize a local government to inspect and charge fees related to work that is completed onsite using components shipped with a factory-built structure;
- Clarifies that a factory-built structure bearing an insignia of approval issued by the division complies with applicable state codes and local government installation requirements approved by the division;
- Clarifies that an insignia of approval affixed to the factory-built structure does not expire unless the design and construction of the factory-built structure has been modified by approved plans;
- Allows the division to set the minimum amount of a surety bond filed by a registered installer of a manufactured home by rule-making;
- Requires an insurer or financial institution to pay the division or owner of a manufactured home the amount of a claim against the letter of credit, certificate of deposit, or surety bond filed with the division by a registered installer if there has been a final judgment against the registered installer;
- Clarifies that a local government's authority over installations of manufactured homes to rules related to weight restrictions for snow roof loads or wind shear factors cannot be applied to conflict with the standards set by the United States department of housing and urban development;
- Allows a local government to require onsite mitigation addressing public safety requirements applicable to manufactured homes that comply with the federal manufactured home construction and safety standard;
- Removes the requirement that a seller of a manufactured home escrow all down payments paid by a purchaser in a separate fiduciary account;
- Allows the division to set the minimum amount of a surety bond filed by a registered seller of a manufactured home through rule-making;

- Removes the requirement that the division send the attorney general a monthly list of all persons registered and bonded with the division;
- Removes the restriction that any letter of credit, certificate of deposit, or surety bond filed with the division is only revocable upon the written consent of the attorney general;
- Allows the division to execute a surety bond filed by a registered seller on behalf of the purchaser of a manufactured home;
- Removes the requirement that a seller of a manufactured home disclose in a sales contract language pertaining to escrow requirements that are eliminated by the bill;
- Clarifies the types of homes that may not be excluded by counties; and
- Clarifies that a county must comply with the state requirements for local installation standards when enacting building code provisions for a manufactured home.

1 *Be it enacted by the General Assembly of the State of Colorado:*

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

5 **24-32-3301. Legislative declaration.** (1) The general assembly
 6 hereby finds, determines, and declares that MOBILE HOMES,
 7 MANUFACTURED HOUSING, AND FACTORY-BUILT HOUSING ARE IMPORTANT
 8 AND EFFECTIVE WAYS TO MEET COLORADO'S AFFORDABLE HOUSING
 9 NEEDS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,
 10 BECAUSE OF THE HOUSING CRISIS IN COLORADO, THERE IS A NEED TO
 11 PROMOTE THE AFFORDABILITY AND ACCESSIBILITY OF NEW
 12 MANUFACTURED AND FACTORY-BUILT HOUSING. THE GENERAL ASSEMBLY
 13 ENCOURAGES LOCAL GOVERNMENTS TO ENACT ORDINANCES AND RULES
 14 THAT EFFECTIVELY TREAT FACTORY-BUILT HOUSING CERTIFIED THROUGH
 15 THE STATE PROGRAM AND MANUFACTURED HOUSING CERTIFIED THROUGH
 16 THE FEDERAL PROGRAM THE SAME AS SITE-BUILT HOMES. THE GENERAL

1 ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

2 (a) The comprehensive regulation of the ~~manufacture~~
3 CONSTRUCTION of factory-built structures to ensure safety,
4 AFFORDABILITY, EFFICIENCY, AND PERFORMANCE is a matter of statewide
5 concern.

6 (b) The comprehensive regulation of the installation of
7 manufactured homes to ensure safety, affordability, EFFICIENCY, and
8 performance is a matter of statewide and local concern.

9 (c) The protection of Colorado consumers who purchase
10 manufactured homes from fraud and other unfair business practices is a
11 matter of statewide concern and consumers can best be protected by:

12 (II) Imposing uniform ~~escrow and~~ bonding requirements upon
13 persons engaged in the business of selling manufactured homes; and

14 (e) The uniform registration, ~~escrow and~~ bonding, and contract
15 requirements imposed on sellers of manufactured homes by this part 33
16 are exclusive and no political subdivision of the state ~~shall~~ MAY impose
17 any additional registration, ~~escrow and~~ bonding, or contract requirements
18 on the sellers.

19 (2) The general assembly further declares that in enacting this part
20 33, it is the intent of the general assembly that the division establish
21 through the board rules as it deems necessary to ensure:

22 (a) The safety, AFFORDABILITY, EFFICIENCY, AND PERFORMANCE
23 of factory-built structures;

24 (d) The safety AND PERFORMANCE of hotels, motels, and
25 multi-family structures in areas of the state where no construction
26 standards for hotels, motels, and multi-family structures exist.

27 (3) The general assembly further declares that the factory-built

1 structure programs administered and rules adopted pursuant to this part
2 33 shall apply only to work performed in a factory or completed at a site
3 using components shipped with the factory-built structure as reflected in
4 the approved plans for the factory-built structure.

5 (4) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
6 REGULATIONS IN THIS PART 33 ARE SEPARATE AND DISTINCT FROM THE
7 "MOBILE HOME PARK ACT" AND THE "MOBILE HOME PARK ACT DISPUTE
8 RESOLUTION AND ENFORCEMENT PROGRAM" UNDER PARTS 2 AND 11 OF
9 ARTICLE 12 OF TITLE 38.

10 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
11 (18) as follows:

12 **24-32-3302. Definitions.** As used in this part 33, unless the
13 context otherwise requires:

14 (18) "Local government" means the government of a town, city,
15 county, or city and county THAT IS THE DESIGNATED AUTHORITY CHARGED
16 WITH THE ADMINISTRATION AND ENFORCEMENT OF LOCAL BUILDING
17 CODES.

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 24-32-3310
19 as follows:

20 **24-32-3310. Local enforcement.** Nothing in this part 33 shall
21 MAY interfere with the right of local governments to enforce local rules
22 governing the installation of factory-built housing approved pursuant to
23 ~~this part 33~~ PURSUANT TO SECTION 24-32-3318 THAT BEAR THE INSIGNIA
24 OF APPROVAL ISSUED BY THE DIVISION PURSUANT TO SECTION 24-32-3311
25 (1)(a) if the local rules are not inconsistent with state rules adopted
26 pursuant to section 24-32-3305.

27 **SECTION 4.** 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.5) Factory-built structures ~~manufactured~~ CONSTRUCTED or sold
9 for transportation to and installation in another state need not bear an
10 insignia of approval issued by the division.

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

1 FACTORY-BUILT STRUCTURE. A LOCAL GOVERNMENT MAY CHARGE
2 INSPECTION FEES IF AUTHORIZED TO ASSIST THE DIVISION TO INSPECT AND
3 APPROVE WORK THAT IS COMPLETED ONSITE USING COMPONENTS SHIPPED
4 WITH THE FACTORY-BUILT STRUCTURE AS REFLECTED IN THE APPROVED
5 PLANS FOR THE FACTORY-BUILT STRUCTURE.

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

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

14 (3) Factory-built nonresidential structures ~~manufactured~~
15 CONSTRUCTED prior to June 31, 1991, ~~shall be~~ ARE subject to any existing
16 state or local government rules relating to the ~~manufacture~~
17 CONSTRUCTION of the structures.

18 (4) A factory-built structure bearing an insignia of approval issued
19 by the division and affixed by the division or an authorized quality
20 assurance representative pursuant to this part 33 ~~shall be~~ IS deemed to be
21 designed and constructed in compliance with the requirements of all
22 ~~ordinances or rules, including those for electrical and plumbing,~~ CODES
23 AND STANDARDS enacted or adopted by the state ~~or by any local~~
24 ~~government~~ AND ACCOUNTING FOR ANY LOCAL GOVERNMENT
25 INSTALLATION REQUIREMENTS ADOPTED IN COMPLIANCE WITH SECTIONS
26 24-32-3310 AND 24-32-3318 that are applicable to the ~~manufacture~~
27 CONSTRUCTION of factory-built structures to the extent that the design and

1 construction relates to work performed in a factory or work that is
2 completed at a site using components shipped with the factory-built
3 structure as reflected in the approved plans for the factory-built structure.
4 The determination by the ~~board~~ DIVISION of the scope of such approval is
5 final. AN INSIGNIA OF APPROVAL AFFIXED TO THE FACTORY-BUILT
6 STRUCTURE DOES NOT EXPIRE UNLESS THE DESIGN AND CONSTRUCTION OF
7 THE FACTORY-BUILT STRUCTURE HAS BEEN MODIFIED FROM APPROVED
8 PLANS.

9 (5) No factory-built structures bearing an insignia of approval
10 issued by the division and affixed by the division or an authorized quality
11 assurance representative pursuant to this part 33 ~~shall~~ MAY be in any way
12 modified contrary to the rules promulgated pursuant to section
13 24-32-3305 prior to or during installation unless approval is first obtained
14 from the division.

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

19 **SECTION 5.** In Colorado Revised Statutes, 24-32-3315, **amend**
20 (2) and (4)(c) as follows:

21 **24-32-3315. Installers of manufactured homes - registration**
22 **- educational requirements.** (2) Each registered installer ~~shall~~ MUST file
23 with the division a letter of credit, certificate of deposit issued by a
24 licensed financial institution, or surety bond issued by an authorized
25 insurer in ~~the amount of ten thousand dollars~~ AN AMOUNT ESTABLISHED
26 BY THE BOARD THROUGH RULE-MAKING for the performance of an
27 installation pursuant to the manufacturer's instructions or standards

1 promulgated by the division. The letter of credit, certificate of deposit, or
2 surety bond ~~shall~~ MUST be filed with the division at the same time the
3 initial application for registration is filed.

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

6 (c) Carry and provide proof of liability insurance in an amount ~~set~~
7 ~~by the division but not less than one million dollars~~ ESTABLISHED BY THE
8 BOARD THROUGH RULE-MAKING.

9 **SECTION 6.** In Colorado Revised Statutes, 24-32-3317, **amend**
10 (3)(b) as follows:

11 **24-32-3317. Installation of manufactured homes - certificates**
12 **- inspections - inspector qualification and education requirements -**
13 **rules.** (3) (b) The division may execute a performance bond on behalf
14 of an owner. A FINANCIAL INSTITUTION OR AUTHORIZED INSURER IS
15 REQUIRED TO MAKE PAYMENT TO THE DIVISION OR OWNER MAKING A
16 CLAIM AGAINST THE LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR
17 SURETY BOND IF A COURT OF COMPETENT JURISDICTION HAS RENDERED A
18 FINAL JUDGMENT IN FAVOR OF THE DIVISION OR OWNER BASED ON A
19 FINDING THAT THE REGISTERED PERSON FAILED IN THE PERFORMANCE OF
20 AN INSTALLATION PURSUANT TO THE MANUFACTURER'S INSTRUCTIONS OR
21 STANDARDS PROMULGATED BY THE DIVISION.

22 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-32-3318
23 as follows:

24 **24-32-3318. Local installation standards preempted.** A local
25 government ~~unit~~ may not adopt less stringent standards for the installation
26 of a manufactured home than those promulgated by the division. A local
27 government ~~unit~~ may not, without express consent by the division, adopt

1 different standards than the standards for the installation of a
2 manufactured home promulgated by the division. Nothing in this section
3 ~~shall~~ MAY preclude a local government ~~unit~~ from enacting ~~standards~~
4 WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS OR WIND SHEAR FACTORS
5 for ~~manufactured~~ MOBILE HOMES OR MODULAR homes. ~~concerning unique~~
6 ~~public safety requirements, such as weight restrictions for snow loads or~~
7 ~~wind shear factors, as otherwise permitted by law.~~ A LOCAL GOVERNMENT
8 MAY NOT IMPOSE WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS OR WIND
9 SHEAR FACTORS ON A MANUFACTURED HOME BUILT TO THE FEDERAL
10 MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS THAT
11 ARE DIFFERENT FROM WHAT HAS BEEN ZONED FOR THE STATE OF
12 COLORADO BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
13 DEVELOPMENT PURSUANT TO THE FEDERAL ACT, UNLESS AN EXEMPTION
14 HAS BEEN GRANTED FOR THAT JURISDICTION BY THE UNITED STATES
15 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. NOTHING IN THIS
16 SECTION MAY PROHIBIT A LOCAL GOVERNMENT FROM REQUIRING ONSITE
17 MITIGATION TO ADDRESS UNIQUE PUBLIC SAFETY REQUIREMENTS, SUCH AS
18 WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS AND WIND SHEAR FACTORS,
19 ON A MANUFACTURED HOME BUILT TO THE FEDERAL MANUFACTURED
20 HOME CONSTRUCTION AND SAFETY STANDARDS, SO LONG AS THERE IS NO
21 INTERFERENCE WITH THE FEDERAL STANDARDS FOR THE DESIGN AND
22 CONSTRUCTION OF THE MANUFACTURED HOME.

23 **SECTION 8.** In Colorado Revised Statutes, 24-32-3323, **amend**
24 (2) as follows:

25 **24-32-3323. Sellers of manufactured homes - registration.**
26 (2) An application for a registration or renewal required by this section
27 ~~shall~~ MUST be submitted on a form provided by the division and ~~shall~~

1 MUST be verified by a declaration signed, under penalty of perjury, by a
2 principal of the manufactured home seller. The application ~~shall~~ MUST
3 contain, in addition to such other information regarding the conduct of the
4 manufactured home seller's business as the division may reasonably
5 require, the name, address, and position of each principal of the
6 manufactured home seller and each person who exercises management
7 responsibilities as part of the manufactured home seller's business
8 activities. The application ~~shall~~ MUST also contain the address and
9 telephone number of each retail location operated by the applicant. ~~as~~
10 ~~well as the location and account number of the separate fiduciary account~~
11 ~~required by section 24-32-3324 (1).~~ The declaration ~~shall~~ MUST specify
12 the date and location of the signing, and the division ~~shall~~ MUST preserve
13 the application and declaration and make them available for public
14 inspection.

15 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-32-3324
16 as follows:

17 **24-32-3324. Bonding requirements.** (1) ~~Any person required to~~
18 ~~register with the division pursuant to section 24-32-3323 shall escrow all~~
19 ~~manufactured home sale down payments in a separate fiduciary account~~
20 ~~in a bank or trust company that does business in the state of Colorado~~
21 ~~until the manufactured home is delivered to the purchaser.~~

22 (2) A person required to register OR RENEW A REGISTRATION with
23 the division pursuant to section 24-32-3323 ~~shall~~ MUST provide a letter of
24 credit, certificate of deposit issued by a licensed financial institution, or
25 surety bond issued by an authorized insurer in ~~the amount of fifty~~
26 ~~thousand dollars~~ AN AMOUNT ESTABLISHED BY THE BOARD THROUGH
27 RULE-MAKING and conditioned upon the person's refund of any home sale

1 down payment AS DEFINED BY THE BOARD AND in accordance with the
2 terms of the contract pursuant to which the payment was received. A
3 person required to register with the division pursuant to section
4 24-32-3323 who wishes to engage in the business of selling manufactured
5 homes from one or more retail locations in Colorado need not provide a
6 separate letter of credit, certificate of deposit, or surety bond for each
7 retail location, but may meet the requirements of this section by providing
8 a single letter of credit, certificate of deposit, or surety bond. The letter of
9 credit, certificate of deposit, or surety bond ~~shall~~ MUST be filed with the
10 division at the same time as the initial application for registration. ~~and~~
11 ~~shall be drawn in favor of the attorney general for the use of the people~~
12 ~~of Colorado. At least once per month, the division shall send the attorney~~
13 ~~general an updated list of all persons registered and bonded pursuant to~~
14 ~~the requirements of this part 33. The letter of credit, certificate of deposit,~~
15 ~~or surety bond shall be revocable only upon the written consent of the~~
16 ~~attorney general. However, A financial institution or authorized insurer~~
17 ~~shall only be~~ IS required to make payment to ~~a person~~ THE DIVISION OR
18 PURCHASER making a claim against the letter of credit, certificate of
19 deposit, or surety bond if a court of competent jurisdiction has rendered
20 a final judgment in favor of ~~such person~~ THE DIVISION OR PURCHASER
21 based on a finding that the registered ~~person~~ SELLER failed to DELIVER
22 THE MANUFACTURED HOME AND refund a manufactured home down
23 payment or provide a reasonable per diem living expense in violation of
24 the contractual provisions required by section 24-32-3325 or upon a
25 ceasing of business operations or a bankruptcy filing by the registered
26 ~~person~~ SELLER. THE DIVISION MAY EXECUTE A BOND ON BEHALF OF A
27 PURCHASER. Any person who is required to register with the division

1 pursuant to section 24-32-3323 and who fails to provide a letter of credit,
2 certificate of deposit, or surety bond as required by this subsection (2) or
3 who otherwise fails to pay any judgment by a court of competent
4 jurisdiction in favor of THE DIVISION OR a purchaser of a manufactured
5 home ~~shall~~ MAY be subject to the suspension or revocation of the
6 registration by the division.

7 **SECTION 10.** In Colorado Revised Statutes, 24-32-3325, **amend**
8 (1) introductory portion, (1)(b), (1)(d), and (2) introductory portion; and
9 **repeal** (1)(c) 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 make the following
13 disclosures in any contract for the sale of a manufactured home:

14 (b) That the seller has a ~~separate fiduciary account for the escrow~~
15 ~~of home sale down payments pending delivery of the manufactured home~~
16 ~~and~~ a letter of credit, certificate of deposit, or surety bond filed with the
17 division for the repayment of home sale down payments pending delivery
18 of manufactured homes; AND

19 (c) ~~That an aggrieved person may file a complaint for a refund of~~
20 ~~a down payment held in escrow by a seller of manufactured homes~~
21 ~~against the seller with the attorney general or with the district attorney for~~
22 ~~the district in which the sale occurs; and~~

23 (d) That an aggrieved person may bring a civil action pursuant to
24 the provisions of the "Colorado Consumer Protection Act", article 1 of
25 title 6, ~~C.R.S.~~, to remedy violations of manufactured home seller
26 requirements in this part 33.

27 (2) A contract for the sale of a manufactured home by a person

1 who is required to register with the division pursuant to section
2 24-32-3323 ~~shall~~ MUST contain the following provisions:

3 **SECTION 11.** In Colorado Revised Statutes, 24-32-3326, **amend**
4 (1)(b) as follows:

5 **24-32-3326. Unlawful manufactured home sale practices.**

6 (1) Any person who is required to register with the division pursuant to
7 section 24-32-3323 engages in an unlawful manufactured home sale
8 practice when the person:

9 (b) Fails to comply with the ~~escrow and~~ bonding requirements of
10 ~~section~~ SECTIONS 24-32-3323 (2.5) AND 24-32-3324;

11 **SECTION 12.** In Colorado Revised Statutes, 30-28-115, **amend**
12 (3)(b)(I) and (3)(b)(III); and **repeal** (3)(a)(I) as follows:

13 **30-28-115. Public welfare to be promoted - legislative**
14 **declaration - construction.** (3) (a) As used in this subsection (3), unless
15 the context otherwise requires:

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

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

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

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

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

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

26 (b) (I) No county ~~shall~~ MAY have or enact zoning regulations,
27 subdivision regulations, or any other regulation affecting development

1 which exclude or have the effect of excluding ~~manufactured~~ homes from
2 the county ~~if such homes~~ THAT ARE:

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

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

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

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

22 **SECTION 13. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly; except
25 that, if a referendum petition is filed pursuant to section 1 (3) of article V
26 of the state constitution against this act or an item, section, or part of this
27 act within such period, then the act, item, section, or part will not take

1 effect unless approved by the people at the general election to be held in
2 November 2022 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.