

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0420.01 Sarah Lozano x3858

HOUSE BILL 21-1019

HOUSE SPONSORSHIP

Hooton,

SENATE SPONSORSHIP

Ginal,

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, AFFORDABILITY, AND PERFORMANCE of hotels,
25 motels, and multi-family structures in areas of the state where no
26 construction standards for hotels, motels, and multi-family structures
27 exist.

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

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

11 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
12 (4), (9), (10), (15), (17), (18), (20) introductory portion, (20)(c), (30), and
13 (31); **repeal** (5) and (7); and **add** (6.5) and (32.5) as follows:

14 **24-32-3302. Definitions.** As used in this part 33, unless the
15 context otherwise requires:

16 (4) "Certified installer" means an installer of manufactured homes
17 who is registered with the division and who has installed at least five
18 manufactured homes in compliance with the manufacturer's instructions
19 or standards created by the division pursuant to this part 33 AND HAS BEEN
20 APPROVED BY THE DIVISION FOR CERTIFIED STATUS.

21 (5) ~~"Dealer" means any person engaged in the sale, leasing, or~~
22 ~~distribution of new manufactured homes primarily to persons who in~~
23 ~~good faith purchase or lease a manufactured home for purposes other than~~
24 ~~resale.~~

25 (6.5) "DELIVERY" MEANS, FOR PURPOSES OF SECTION 24-32-3325,
26 AT A LOCATION AGREED TO BY THE SELLER AND PURCHASER.

27 (7) ~~"Distributor" means any person engaged in the sale and~~

1 ~~distribution of manufactured homes for resale.~~

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

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

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

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

22 (18) "Local government" means the government of a town, city,
23 county, or city and county THAT IS THE DESIGNATED AUTHORITY CHARGED
24 WITH THE ADMINISTRATION AND ENFORCEMENT OF LOCAL BUILDING
25 CODES.

26 (20) "Manufactured home" means any preconstructed building
27 unit or combination of preconstructed building units OR CLOSED PANEL

1 SYSTEMS that:

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

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

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

15 (32.5) "SELLER" MEANS ANY PERSON ENGAGED IN THE BUSINESS
16 OF SELLING MANUFACTURED HOMES TO BE INSTALLED IN COLORADO.

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

20 **24-32-3303. Division of housing - powers and duties - rules.**

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

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

26 (c) To review and approve quality assurance representatives that
27 intend to perform inspections and issue insignia of approval pursuant to

1 this part 33; and

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

6 (e) TO ENFORCE REQUIREMENTS CONCERNING THE INSTALLATION
7 OF MANUFACTURED HOMES, INCLUDING THE REGISTRATION AND
8 CERTIFICATION STATUS OF INSTALLERS;

9 (f) TO ENFORCE REQUIREMENTS CONCERNING THE SALE OF
10 MANUFACTURED HOMES, INCLUDING THE REGISTRATION STATUS OF
11 SELLERS; AND

12 (g) TO ENFORCE REQUIREMENTS CONCERNING THE SAFETY OF
13 HOTELS, MOTELS, AND MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE
14 WHERE NO CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND
15 MULTI-FAMILY STRUCTURES EXIST.

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

18 **24-32-3304. State housing board - powers and duties.** (1) The
19 board ~~shall have~~ HAS the following powers and duties pursuant to this part
20 33:

21 (c) To develop and submit to the general assembly and local
22 ~~government units~~ GOVERNMENTS recommendations for uniform housing
23 standards and building codes;

24 (e) To promulgate rules establishing specific standards for the use
25 of private inspection and certification entities to perform the division's
26 certification and inspection functions with respect to in-state and
27 out-of-state inspections of ~~manufactured housing units~~ FACTORY-BUILT

1 STRUCTURES. The standards shall MUST allow, consistent with section 13
2 of article XII of the state constitution, the provisions of part 5 of article
3 50 of this title TITLE 24, and the rules of the state personnel board, for the
4 use of private inspection and certification entities when the entities are
5 available at a reasonable cost. The standards shall not CANNOT prohibit a
6 manufacturer from having the option to contract with the division or an
7 authorized quality assurance representative to perform inspection and
8 certification functions.

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

11 24-32-3305. Rules - advisory committee - enforcement. (1) The
12 board shall MUST promulgate rules as it deems necessary to ensure:

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

23 (3) The board shall MUST consult with and obtain the advice of an
24 advisory committee on residential and nonresidential structures in the
25 drafting and promulgation of rules. The committee shall consist CONSISTS
26 of twelve members appointed by the ~~state director of housing~~ DIVISION
27 from the following professional and technical disciplines: One from

1 architecture, one from structural engineering, three from building code
2 enforcement, one from mechanical engineering or contracting, one from
3 electrical engineering or contracting, one from the plumbing industry, ~~one~~
4 ~~from the mobile home industry~~, one from the construction design or
5 producer industry, ~~one~~ TWO from manufactured housing, and one from
6 organized labor. Committee members shall be reimbursed for actual and
7 necessary expenses incurred while engaged in official duties.

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

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

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

16 **24-32-3306. Recognition of similar standards - compliance**
17 **with standards.** (1) If the ~~board~~ DIVISION determines that standards for
18 factory-built OR MANUFACTURED housing prescribed by statute or rule of
19 another state or by the United States department of housing and urban
20 development are reasonably consistent with, or equal to, standards
21 required by this part 33, it may provide by rule that factory-built OR
22 MANUFACTURED housing approved by the other state or by the department
23 meets the standards required by this part 33.

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

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

3 **24-32-3307. Noncompliance with standards.** (1) The ~~state~~
4 ~~director of housing~~ DIVISION may obtain injunctive relief from the
5 appropriate court to enjoin the manufacture, sale, delivery, or installation
6 of factory-built housing by filing an affidavit specifying the manner in
7 which the housing does not conform to the requirements of this part 33
8 or to rules promulgated pursuant to section 24-32-3305. The ~~director or~~
9 ~~the director's designee~~ DIVISION may suspend the issuance of insignias of
10 approval while injunctive relief is being sought.

11 (2) If the division, acting as agent for the federal government,
12 determines that any manufactured home does not conform to applicable
13 state or federal manufactured home construction and safety standards or
14 that it contains a defect that constitutes an imminent safety hazard after
15 the sale of the manufactured home by a manufacturer to a ~~distributor or~~
16 ~~dealer~~ SELLER and prior to the sale of the manufactured home by the
17 ~~distributor or dealer~~ SELLER to a purchaser, the manufacturer ~~shall~~ MUST
18 provide for parts replacement and installation reimbursement as required
19 under the federal act or rules adopted pursuant thereto.

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

22 **24-32-3308. Violation - penalty.** (1) A ~~person~~ MANUFACTURER
23 who violates any of the provisions of this part 33 or any rule promulgated
24 pursuant to section 24-32-3305 ~~shall be~~ IS subject to a ~~civil penalty~~
25 REVOCATION OR SUSPENSION OF THE MANUFACTURER'S REGISTRATION,
26 FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE PROMULGATED
27 BY THE DIVISION OR OTHER APPLICABLE STATE LAW. THE DIVISION MAY

1 ISSUE A FINE of up to one thousand dollars as determined by the board FOR
2 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED
3 DURING THE CONSTRUCTION OF A SINGLE FACTORY-BUILT STRUCTURE
4 CONSTITUTE ONE VIOLATION. A separate violation shall be IS deemed to
5 have occurred with respect to each housing unit FACTORY-BUILT
6 STRUCTURE involved. A civil penalty collected pursuant to this section
7 shall MUST be transmitted to the state treasurer who shall MUST credit the
8 same to the building regulation fund created in section 24-32-3309.

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

14 SECTION 9. In Colorado Revised Statutes, amend 24-32-3309
15 as follows:

16 24-32-3309. Fees - building regulation fund. (1) (a) The board,
17 by rule, shall MUST establish a schedule of fees designed to pay all direct
18 and indirect costs incurred by the division in carrying out and enforcing
19 the provisions of this part 33; except that the amount of the registration
20 fee for installers of manufactured homes is the amount specified in
21 section 24-32-3315 (5) and the amount of the registration fee for sellers
22 of manufactured homes is the amount specified in section 24-32-3323 (3).
23 Before establishing the schedule of fees, the board shall DIVISION MUST
24 gather information regarding the fees charged by Colorado local
25 governments for the inspection and certification of improvements to
26 residential real property that are not manufactured homes and the fees
27 charged by governmental entities outside of Colorado for the inspection

1 and certification of manufactured homes FOR THE BOARD'S
2 CONSIDERATION. The fees shall MUST be paid to the division and
3 transmitted to the state treasurer, who shall MUST credit the fees to the
4 building regulation fund, which fund is hereby created in the state
5 treasury and referred to in this section as the "fund". All interest derived
6 from the deposit and investment of moneys MONEY in the fund shall MUST
7 be credited to the fund. Except as otherwise provided in subsection (2) of
8 this section, at the end of any fiscal year, all unexpended and
9 unencumbered moneys MONEY in the fund shall MUST remain in the fund
10 and shall MUST not be credited or transferred to the general fund or any
11 other fund or used for any other purpose other than to offset the costs of
12 implementing and administering and enforcing the provisions of this part
13 33.

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

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

18 (II) On April 1, 2015, the state treasurer shall MUST deduct three
19 hundred thousand dollars from the general fund and transfer such sum to
20 the fund; and

21 (III) On July 1, 2016, the state treasurer shall MUST deduct two
22 hundred thousand dollars from the general fund and transfer such sum to
23 the fund.

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

27 (a) To provide education and training to manufacturers, dealers,

1 SELLERS, installers, building department employees, elected officials, and,
2 as appropriate, other persons affected by the mobile, manufactured, and
3 factory-built structures industry regarding the building codes and state
4 program requirements applicable to mobile, manufactured, and
5 factory-built structures within the state;

6 (b) To provide consumer training throughout the state that will
7 help a consumer to make informed decisions when purchasing or
8 considering the purchase of a mobile home, manufactured home, or
9 factory-built structure; and

10 (c) To provide education and grants that will help manufacturers,
11 dealers, SELLERS, installers, owners, and, as appropriate, other parties
12 affected by the mobile, manufactured, and factory-built structures
13 industry address safety issues that affect mobile, manufactured, and
14 factory-built structures.

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

17 **24-32-3310. Local enforcement.** Nothing in this part 33 shall
18 MAY interfere with the right of local governments to enforce local rules
19 governing the installation of factory-built housing approved pursuant to
20 this part 33 PURSUANT TO SECTION 24-32-3318 THAT BEAR THE INSIGNIA
21 OF APPROVAL ISSUED BY THE DIVISION PURSUANT TO SECTION 24-32-3311
22 (1)(a) if the local rules are not inconsistent with state rules adopted
23 pursuant to section 24-32-3305.

24 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-32-3311
25 as follows:

26 **24-32-3311. Certification of factory-built residential and**
27 **nonresidential structures.** (1) (a) Factory-built structures manufactured,

1 CONSTRUCTED, sold, or offered for sale within this state after the effective
2 date of the rules promulgated pursuant to this part 33 ~~shall~~ MUST bear an
3 insignia of approval issued by the division and affixed by the division or
4 an authorized quality assurance representative.

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

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

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

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

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

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

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

21 (4) A factory-built structure bearing an insignia of approval issued
22 by the division and affixed by the division or an authorized quality
23 assurance representative pursuant to this part 33 ~~shall be~~ IS deemed to be
24 designed and constructed in compliance with the requirements of all
25 ~~ordinances or rules, including those for electrical and plumbing,~~ CODES
26 AND STANDARDS enacted or adopted by the state ~~or by any local~~
27 ~~government~~ AND ACCOUNTING FOR ANY LOCAL GOVERNMENT

1 INSTALLATION REQUIREMENTS ADOPTED IN COMPLIANCE WITH SECTIONS
2 24-32-3310 AND 24-32-3318 that are applicable to the manufacture
3 CONSTRUCTION of factory-built structures to the extent that the design and
4 construction relates to work performed in a factory or work that is
5 completed at a site using components shipped with the factory-built
6 structure as reflected in the approved plans for the factory-built structure.
7 The determination by the board DIVISION of the scope of such approval is
8 final. AN INSIGNIA OF APPROVAL AFFIXED TO THE FACTORY-BUILT
9 STRUCTURE DOES NOT EXPIRE UNLESS THE DESIGN AND CONSTRUCTION OF
10 THE FACTORY-BUILT STRUCTURE HAS BEEN MODIFIED FROM APPROVED
11 PLANS.

12 (5) No factory-built structures bearing an insignia of approval
13 issued by the division and affixed by the division or an authorized quality
14 assurance representative pursuant to this part 33 shall MAY be in any way
15 modified contrary to the rules promulgated pursuant to section
16 24-32-3305 prior to or during installation unless approval is first obtained
17 from the division.

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

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

24 **24-32-3312. Notification and correction of defects.** A
25 manufacturer to be certified as meeting federal standards shall MUST
26 furnish notification of any defect in a manufactured home produced by
27 the manufacturer that the manufacturer determines, in good faith, relates

1 to a manufactured home construction or safety standard or constitutes an
2 imminent safety hazard to the purchaser of the manufactured home within
3 a reasonable time after the manufacturer has discovered the defect in
4 accordance with the provisions under the federal act or any board rule.

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

7 **24-32-3313. Injunctive relief.** The ~~state director of housing~~
8 DIVISION may request the appropriate court to enjoin the sale or delivery
9 of any factory-built structure upon an affidavit, specifying the manner in
10 which the factory-built structure does not conform to the requirements of
11 this part 33 or the rules promulgated pursuant to this part 33. The ~~director~~
12 DIVISION may suspend the authority of a manufacturer to affix insignias
13 while injunctive relief is being sought.

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

16 **24-32-3314. Cooperation with department of revenue.** The
17 division ~~shall~~ MAY cooperate with the department of revenue in any
18 manner feasible to ensure that the provisions of this part 33 are carried
19 out.

20 **SECTION 15.** In Colorado Revised Statutes, 24-32-3315, **amend**
21 (1), (2), (3), (4) introductory portion, (4)(c), (5), (6), and (7) as follows:

22 **24-32-3315. Installers of manufactured homes - registration**
23 **- educational requirements.** (1) (a) Any installer in this state ~~shall~~ MUST
24 first register with the division. A registered installer ~~shall be~~ IS
25 responsible for supervising all employees and for the proper and
26 competent performance of all employees working under ~~his or her~~ THEIR
27 supervision.

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

3 (I) A person employed by a registered or certified installer, as well
4 as a person employed by a legal or commercial entity employing a
5 registered or certified installer when performing installation functions
6 under the direct on-site supervision of the registered or certified installer.
7 and

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

10 (c) A homeowner who installs the owner's own manufactured
11 home THAT IS A ONE- OR TWO-FAMILY DWELLING INTENDED FOR THEIR
12 OWN PERSONAL USE is not required to register as an installer with the
13 division but shall MUST comply with all provisions of this part 33 other
14 than registration provisions. A HOMEOWNER IS LIMITED TO THE
15 INSTALLATION OF ONE MANUFACTURED HOME IN ANY TWELVE-MONTH
16 PERIOD AND A TOTAL OF NO MORE THAN FIVE DURING THEIR LIFETIME. A
17 HOMEOWNER INSTALLING THEIR OWN HOME IS REQUIRED TO DO THEIR OWN
18 INSTALLATION WORK. IF THE HOMEOWNER HAS ANOTHER PERSON
19 PERFORM INSTALLATION WORK ON THEIR MANUFACTURED HOME, THAT
20 PERSON IS REQUIRED TO BE A REGISTERED OR CERTIFIED INSTALLER.

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

1 ~~shall~~ MUST be filed with the division at the same time the initial
2 application for registration is filed.

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

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

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

16 (5) A registration issued pursuant to this section ~~shall be~~ IS valid
17 for one year from the date of issuance and ~~shall not~~ CANNOT be
18 transferred or assigned to another person. The amount of the registration
19 fee ~~shall~~ MUST be no more than two hundred fifty dollars. If any of the
20 application information for the registered installer changes after the
21 issuance of a registration, the registered installer ~~shall~~ MUST notify the
22 division in writing within thirty days from the date of the change. The
23 division may suspend, revoke, or deny renewal of a registration if the
24 registered installer fails to notify the division of any change in the
25 application.

26 (6) Any registered installer seeking to renew registration ~~shall~~
27 MUST, at the time of applying for renewal, provide proof of liability

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

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

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

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

18 **24-32-3315.5. Contract for the installation of manufactured**
19 **homes - requirements.** (1) A REGISTERED OR CERTIFIED INSTALLER MUST
20 PROVIDE A CONTRACT FOR THE INSTALLATION OF EACH MANUFACTURED
21 HOME AND MAKE THE FOLLOWING DISCLOSURES IN ANY CONTRACT FOR
22 THE INSTALLATION OF A MANUFACTURED HOME:

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

26 (b) THAT AN AGGRIEVED PERSON MAY FILE A COMPLAINT WITH THE
27 DIVISION CONCERNING THE PERFORMANCE OF THE INSTALLATION OF THE

1 MANUFACTURED HOME, INCLUDING MAKING A CLAIM AGAINST THE LETTER
2 OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND FILED WITH THE
3 DIVISION; AND

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

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

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

14 **24-32-3316. Compliance with manufacturer's installation**
15 **instructions.** (1) EXCEPT AS PROVIDED BY SUBSECTION (2) OR (3) OF THIS
16 SECTION, any installation of a manufactured home in this state shall be
17 performed in strict accordance with the applicable manufacturer's
18 installation instructions. A COPY OF THE MANUFACTURER'S INSTRUCTIONS
19 OR THE STANDARDS PROMULGATED BY THE DIVISION MUST BE AVAILABLE
20 AT THE TIME OF INSTALLATION AND INSPECTION.

21 (2) IF, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT,
22 THE INSTALLER IDENTIFIES ANY REASON WHY STRICT COMPLIANCE WITH
23 THE MANUFACTURER'S INSTALLATION INSTRUCTIONS WOULD CAUSE HARM
24 OR WOULD OTHERWISE BE UNSUITED TO THE PARTICULAR
25 CIRCUMSTANCES, THE INSTALLER MUST CONTACT THE DIVISION ABOUT
26 HOW TO PROCEED.

27 (3) ~~Where the~~ IF A manufacturer's INSTALLATION instructions are

1 not AVAILABLE OR applicable TO A PARTICULAR INSTALLATION, THE
2 installation ~~shall be in accordance~~ MUST PROCEED IN COMPLIANCE with
3 standards promulgated by the division. ~~A copy of the manufacturer's~~
4 ~~instructions or the standards promulgated by the division shall be~~
5 ~~available at the time of installation and inspection.~~

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

8 **24-32-3317. Installation of manufactured homes - certificates**
9 **- inspections - inspector qualification and education requirements -**
10 **rules.** (1) Before beginning the installation of a manufactured home, the
11 owner or registered installer of a manufactured home ~~shall make an~~
12 ~~application for an installer's certificate~~ MUST SUBMIT A REQUEST TO THE
13 DIVISION AND RECEIVE AN INSTALLATION AUTHORIZATION from the
14 division ON A DIVISION-APPROVED FORM, UNLESS THE INSTALLATION IS
15 OCCURRING IN A JURISDICTION WHERE A LOCAL GOVERNMENT IS
16 PARTICIPATING AS AN INDEPENDENT CONTRACTOR, IN WHICH CASE THE
17 OWNER OR REGISTERED INSTALLER IS TO FOLLOW THE LOCAL
18 GOVERNMENT'S PROCESS FOR RECEIVING AUTHORIZATION TO INSTALL A
19 MANUFACTURED HOME.

20 (2) The division may certify any installer who provides evidence
21 of five or more installations of manufactured homes performed by the
22 installer for which ~~certificates~~ INSTALLATION AUTHORIZATIONS have
23 previously been issued pursuant to this section when, in the judgment of
24 the division, the installer has demonstrated the ability to successfully
25 complete installations of manufactured homes in accordance with the
26 requirements of this part 33.

27 (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

1 ~~subsection (2)~~ SUBSECTION (2.9) and may require the certified installer to
2 correct, within a period established by rule promulgated by the board, any
3 defects or deficiencies in the installation. The division may revoke the
4 certification of any installer certified pursuant to this ~~subsection (2)~~
5 SUBSECTION (2.9) when, in the judgment of the division, the installer has
6 performed installations of a manufactured home in violation of the
7 requirements of this part 33. Any installer whose certification has been so
8 revoked may apply for recertification in accordance with rules
9 promulgated by the division.

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

12 (I) Comply with the registration requirements of section
13 24-32-3315; or

14 (II) Otherwise pay to the owner or occupant of a manufactured
15 home:

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

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

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

26 (b) ~~The division may execute a performance bond on behalf of an~~
27 ~~owner~~ A FINANCIAL INSTITUTION OR AUTHORIZED INSURER IS REQUIRED

1 TO MAKE PAYMENT TO THE DIVISION MAKING A CLAIM AGAINST THE
2 LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND IF A COURT
3 OF COMPETENT JURISDICTION HAS RENDERED A FINAL JUDGMENT IN FAVOR
4 OF THE DIVISION BASED ON A FINDING THAT THE REGISTERED INSTALLER
5 FAILED TO PERFORM ON THE INSTALLATION OF THE MANUFACTURED HOME
6 AS REQUIRED BY THIS PART 33 OR BOARD RULES OR UPON A CEASING OF
7 BUSINESS OPERATIONS OR A BANKRUPTCY FILING BY THE REGISTERED
8 INSTALLER. ANY INSTALLER WHO FAILS TO PROVIDE A LETTER OF CREDIT,
9 CERTIFICATE OF DEPOSIT, OR SURETY BOND AS REQUIRED BY SECTION
10 24-32-3315 (2) AND (6) OR WHO OTHERWISE FAILS TO PAY ANY JUDGMENT
11 BY A COURT OF COMPETENT JURISDICTION IN FAVOR OF THE DIVISION IS
12 SUBJECT TO THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY
13 THE DIVISION.

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

18 (4) An owner ~~and~~ OR a registered installer ~~shall~~ MUST display an
19 ~~installer's certificate~~ INSTALLATION AUTHORIZATION at the site of a
20 manufactured home to be installed until ~~a certificate of installation~~ AN
21 INSTALLATION INSIGNIA is issued by the division OR INDEPENDENT
22 CONTRACTOR, UNLESS THE INSTALLATION IS OCCURRING IN A
23 JURISDICTION WHERE A LOCAL GOVERNMENT IS PARTICIPATING AS AN
24 INDEPENDENT CONTRACTOR, IN WHICH CASE THE OWNER OR REGISTERED
25 INSTALLER IS TO FOLLOW THE LOCAL GOVERNMENT'S PROCESS FOR
26 IDENTIFYING A MANUFACTURED HOME TO BE INSTALLED UNTIL THE
27 DIVISION'S INSTALLATION INSIGNIA IS ISSUED BY THE LOCAL GOVERNMENT.

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

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

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

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

1 inspection.

2 (7) If the installation of a manufactured home by an installer has
3 failed the inspection conducted by the division or the independent
4 contractor and it is determined by the division or the independent
5 contractor that the installer has violated any of the installation standards
6 promulgated by the division, the installer shall MUST reimburse the party
7 requesting the inspection for the cost of the failed inspection and shall
8 MUST pay for any subsequent repairs necessary to bring the installation
9 into compliance with the manufacturer's instructions or standards
10 promulgated by the division. The installer shall MUST also pay for any
11 subsequent inspections required by the division or the independent
12 contractor. Failure of the installer to pay for any inspections or
13 subsequent repairs deemed necessary by the division or the independent
14 contractor shall result in the forfeiture of the installer's performance bond
15 on behalf of the owner of the manufactured home.

16 (8) The division may authorize an independent contractor to
17 perform inspections and enforcement of proper installation of
18 manufactured homes. The division may provide training for independent
19 contractors. Independent contractors shall MUST be certified by the
20 division to perform installation inspections. The division shall MUST
21 establish by rule the qualifications of an inspector and the areas of
22 expertise necessary for inspecting manufactured homes. On and after July
23 1, 2008, a new inspector must pass a division-approved installation test.
24 The qualifications for an inspector include but are not limited to those of
25 a professional civil engineer or local housing inspector or independent
26 contractor. Commencing in 2009, inspectors shall MUST also complete,
27 and maintain records of the completion of, either: OF DIVISION-APPROVED

1 EDUCATION AS ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

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

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

6 (9) If an installation or subsequent repair of an installation by an
7 installer fails to meet the standards promulgated by the division within a
8 period determined by the division, the division ~~shall~~ MUST investigate the
9 actions of the installer. The division may revoke, suspend, or refuse to
10 renew the registration or certification of the installer for failing to comply
11 with the division's standards regarding installation of a manufactured
12 home. Any independent contractor that knows of an installer whose
13 installations fail inspection and have not been cured by subsequent repair
14 ~~shall~~ MUST request that the division investigate the installer.

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

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

19 (b) Certification requirements for independent contractors to use
20 to inspect installations;

21 (c) Proper installation inspection and enforcement standards;

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

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

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

1 **24-32-3318. Local installation standards preempted.** A local
2 government unit may not adopt less stringent standards for the installation
3 of a manufactured home than those promulgated by the division. A local
4 government unit may not, without express consent by the division, adopt
5 different standards than the standards for the installation of a
6 manufactured home promulgated by the division. Nothing in this section
7 shall MAY preclude a local government unit from enacting standards for
8 manufactured MOBILE OR MODULAR homes concerning unique public
9 safety requirements RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS,
10 such as weight restrictions for ROOF snow loads or wind shear factors, as
11 otherwise permitted by law. A LOCAL GOVERNMENT MAY NOT IMPOSE
12 WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS OR WIND SHEAR FACTORS
13 ON A MANUFACTURED HOME BUILT TO THE FEDERAL MANUFACTURED
14 HOME CONSTRUCTION AND SAFETY STANDARDS THAT ARE DIFFERENT
15 FROM WHAT HAS BEEN ZONED FOR THE STATE OF COLORADO BY THE
16 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
17 PURSUANT TO THE FEDERAL ACT OR IMPOSE ANY OTHER REQUIREMENTS
18 THAT WOULD IMPACT THE DESIGN AND CONSTRUCTION OF THE HOME,
19 UNLESS AN EXEMPTION HAS BEEN GRANTED FOR THAT JURISDICTION BY
20 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
21 DEVELOPMENT. NOTHING IN THIS SECTION PROHIBITS A LOCAL
22 GOVERNMENT FROM REQUIRING ONSITE MITIGATION TO ADDRESS UNIQUE
23 PUBLIC SAFETY REQUIREMENTS RELATED TO GEOGRAPHIC AND CLIMATIC
24 CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS AND
25 WIND SHEAR FACTORS, ON A MANUFACTURED HOME BUILT TO THE
26 FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS,
27 SO LONG AS THERE IS NO INTERFERENCE WITH THE FEDERAL STANDARDS

1 FOR THE DESIGN AND CONSTRUCTION OF THE MANUFACTURED HOME.

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

4 **24-32-3319. Prohibited acts.** It shall be unlawful for any person
5 to perform an installation without regard to whether the person receives
6 compensation, except as provided in this part 33. Any intentional
7 violation of the installation provisions of this part 33 constitutes a
8 deceptive trade practice subject to ~~the provisions of article 1 of title 6,~~
9 ~~C.R.S. SECTION 6-1-105 (1)(ss) AND THE "COLORADO CONSUMER~~
10 ~~PROTECTION ACT", ARTICLE 1 OF TITLE 6.~~ However, damages ~~shall~~ MUST
11 be limited in accordance with ~~the provisions of section 6-1-113 (2.7).~~
12 ~~C.R.S.~~

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

15 **24-32-3320. Penalty for violation.** Any person found to have
16 performed an installation in a manner contrary to the requirements of this
17 part 33 ~~shall be~~ IS subject to revocation or suspension of an installer's
18 registration, fines, or any other measures as prescribed by rule
19 promulgated by the division or other applicable Colorado law. THE
20 DIVISION MAY ISSUE A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH
21 VIOLATION. Multiple violations of this part 33 committed during a single
22 installation ~~shall constitute~~ CONSTITUTES one violation. Each installation
23 performed in violation of this part 33 ~~shall~~ WILL constitute a separate
24 violation. Fines ~~shall~~ MUST be paid to the division and transmitted to the
25 state treasurer who ~~shall~~ MUST credit the fees to the building regulation
26 fund created in section 24-32-3309.

27 **SECTION 22.** In Colorado Revised Statutes, **amend 24-32-3321**

1 as follows:

2 **24-32-3321. Investigations of consumer complaints.** The
3 division may investigate complaints filed by owners, occupants, or other
4 consumers relating to the CONSTRUCTION OF FACTORY-BUILT STRUCTURES
5 AND MANUFACTURED HOMES, AND THE SALE OR installation of
6 manufactured homes as necessary to enforce and administer this part 33.

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

9 **24-32-3322. Training of inspectors - acceptance of gifts,**
10 **grants, and donations.** (1) On and after July 1, 2000, the division ~~shall~~
11 **MUST** train independent contractors to perform installation inspections for
12 manufactured homes. The training ~~shall~~ **MUST** enable independent
13 contractors who successfully complete the training to become certified by
14 the division.

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

20 **SECTION 24.** In Colorado Revised Statutes, 24-32-3323, **amend**
21 (1), (2), (3), (4) introductory portion, (4)(c), and (4)(d); and **add** (4)(e) as
22 follows:

23 **24-32-3323. Sellers of manufactured homes - registration.**
24 (1) ~~Any person whose business involves the sale of manufactured homes~~
25 ~~shall be~~ **SELLER IS** required to register with the division before engaging
26 in the business of selling manufactured homes **TO BE INSTALLED** in
27 Colorado. ~~Any person who wishes to engage in the business of selling~~

1 manufactured homes in Colorado through advertising or sales activities
2 but who does not operate a retail location in Colorado shall obtain a
3 single registration. Any person who wishes to engage in the business of
4 selling manufactured homes from one or more retail locations in Colorado
5 shall obtain a separate registration for each location. The registration
6 requirements of this section shall not apply to any individual who, for a
7 salary, commission, or compensation of any kind, is employed directly or
8 indirectly by any registered manufactured home seller to sell or negotiate
9 for the sale of manufactured homes.

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

26 (3) A registration issued pursuant to subsection (2) of this section
27 shall be IS valid for one year after the date of issuance. The amount of the

1 registration fee shall CANNOT be no more than two hundred dollars. If,
2 after issuance of a registration, any of the required information submitted
3 with the application for the registration pursuant to subsection (2) of this
4 section becomes inaccurate, a principal of the manufactured home seller
5 shall MUST notify the division in writing of the inaccuracy within thirty
6 days and provide the division with accurate updated information.

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

9 (c) Sells a manufactured home for salvage or nonresidential use;
10 or

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

15 (e) FOR A SALARY, COMMISSION, OR COMPENSATION OF ANY KIND,
16 IS EMPLOYED DIRECTLY OR INDIRECTLY BY ANY REGISTERED
17 MANUFACTURED HOME SELLER TO SELL OR NEGOTIATE FOR THE SALE OF
18 MANUFACTURED HOMES.

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

21 **24-32-3324. Escrow and bonding requirements.** (1) Any
22 person required to register with the division pursuant to section
23 24-32-3323 shall MUST COMPLY WITH ANY escrow all manufactured home
24 sale down payments in a separate fiduciary account in a bank or trust
25 company that does business in the state of Colorado until the
26 manufactured home is delivered to the purchaser REQUIREMENTS AS
27 ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

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

1 PAYMENTS MADE TOWARD THE PURCHASE OF THE MANUFACTURED HOME
2 PURSUANT TO THIS PART 33 OR BOARD RULES or provide a reasonable per
3 diem living expense in violation of the contractual provisions required by
4 section 24-32-3325 or upon a ceasing of business operations or a
5 bankruptcy filing by the registered person. SELLER. Any person who is
6 required to register with the division pursuant to section 24-32-3323 and
7 SELLER who fails to provide a letter of credit, certificate of deposit, or
8 surety bond as required by this subsection (2) or who otherwise fails to
9 pay any judgment by a court of competent jurisdiction in favor of a
10 purchaser of a manufactured home shall be THE DIVISION IS subject to the
11 suspension or revocation of the registration by the division.

12 SECTION 26. In Colorado Revised Statutes, amend 24-32-3325
13 as follows:

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

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

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

1 AMOUNT REQUIRED IN BOARD RULES;

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

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

11 (2) A contract for the sale of a manufactured home by a ~~person~~
12 ~~who is required to register with the division pursuant to section~~
13 ~~24-32-3323 shall~~ SELLER MUST ALSO contain the following provisions:

14 (a) A date certain for the delivery of the manufactured home or a
15 listing of specified delivery preconditions that must occur before a date
16 certain for delivery can be determined; ~~and~~

17 (b) A statement that if delivery of the manufactured home is
18 delayed by more than sixty days after the delivery date specified in the
19 contract of sale or by more than sixty days after the delivery preconditions
20 set forth in the contract of sale have been met if no date certain for
21 delivery has been set, the seller will either refund the manufactured home
22 sale down payment or provide a reasonable per diem living expense to the
23 buyer for the days between the delivery date specified in the contract or
24 the sixty-first day after the delivery preconditions set forth in the contract
25 have been met, whichever is applicable, and the actual date of delivery,
26 unless the delay in delivery is unavoidable or caused by the buyer; AND

27 (c) AN AGREED UPON LOCATION FOR DELIVERY OF THE

1 MANUFACTURED HOME TO THE PURCHASER.

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

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

8 **24-32-3326. Unlawful manufactured home sale practices.**

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

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

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

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

21 (2) ANY PERSON FOUND TO BE SELLING OR HAVE SOLD A
22 MANUFACTURED HOME IN A MANNER CONTRARY TO THE REQUIREMENTS
23 OF THIS PART 33 IS SUBJECT TO REVOCATION OR SUSPENSION OF A SELLER'S
24 REGISTRATION, FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE
25 PROMULGATED BY THE DIVISION OR OTHER APPLICABLE COLORADO LAW.
26 THE DIVISION MAY ISSUE A FINE OF UP TO TEN THOUSAND DOLLARS FOR
27 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED

1 DURING A SINGLE SALE CONSTITUTE ONE VIOLATION. EACH SALE
2 PERFORMED IN VIOLATION OF THIS PART 33 CONSTITUTES A SEPARATE
3 VIOLATION. FINES MUST BE PAID TO THE DIVISION AND TRANSMITTED TO
4 THE STATE TREASURER WHO MUST CREDIT THE FEES TO THE BUILDING
5 REGULATION FUND CREATED IN SECTION 24-32-3309.

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

8 **24-32-3327. Inspections.** (1) For the purposes of enforcement of
9 this part 33, persons duly designated by the ~~state director of housing~~
10 DIVISION, upon presenting appropriate credentials to the owner, operator,
11 or agent in charge, are authorized:

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

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

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

27 (2) In addition to any other inspection responsibilities, the division

1 ~~shall have~~ HAS the responsibility for the electrical inspections of any
2 factory-built structures in plants that are certified by the division pursuant
3 to this part 33.

4 (3) When acting as agent for the federal government, the division
5 is authorized to conduct inspections and investigations pursuant to this
6 section as may be necessary to promulgate or enforce federal
7 manufactured home construction and safety standards established under
8 the federal act or otherwise to carry out its duties under its agreement as
9 agent. The division ~~shall~~ MUST furnish the secretary any information
10 obtained indicating noncompliance with the standards for appropriate
11 action.

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

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

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

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

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

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

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

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

27 (b) (I) No county ~~shall~~ MAY have or enact zoning regulations,

1 subdivision regulations, or any other regulation affecting development
2 which exclude or have the effect of excluding **manufactured** homes from
3 the county ~~if such homes~~ THAT ARE:

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

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

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

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

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

25 **31-23-301. Grant of power.** (5) (a) As used in this subsection
26 (5), unless the context otherwise requires:

27 (I) "**Manufactured home**" means a single family dwelling which:

- 1 ~~(A) Is partially or entirely manufactured in a factory;~~
2 ~~(B) Is not less than twenty-four feet in width and thirty-six feet in~~
3 ~~length;~~
4 ~~(C) Is installed on an engineered permanent foundation;~~
5 ~~(D) Has brick, wood, or cosmetically equivalent exterior siding~~
6 ~~and a pitched roof; and~~
7 ~~(E) Is certified pursuant to the "National Manufactured Housing~~
8 ~~Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.,~~
9 ~~as amended.~~

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

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

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

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

22 (III) Nothing in this subsection (5) shall preclude any municipality
23 from enacting municipal building code provisions for unique public
24 safety requirements such as snow load roof, wind shear, and energy
25 conservation factors, UNLESS THE HOME IS CERTIFIED BY THE DIVISION OF
26 HOUSING CREATED IN SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT
27 ON ITS BEHALF OR THE UNITED STATES DEPARTMENT OF HOUSING AND

1 URBAN DEVELOPMENT THROUGH ITS OFFICE OF MANUFACTURED HOUSING
2 PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY AUTHORIZED TO ACT ON
3 ITS BEHALF. A MUNICIPALITY MUST COMPLY WITH SECTION 24-32-3318
4 WHEN ENACTING BUILDING CODE PROVISIONS FOR A MANUFACTURED
5 HOME AS DEFINED IN SECTION 24-32-3302 (20).

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