

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

**PREAMENDED**

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

LLS NO. 22-0415.01 Jery Payne x2157

**HOUSE BILL 22-1242**

---

**HOUSE SPONSORSHIP**

**Kipp and Exum,**

**SENATE SPONSORSHIP**

**Ginal and Hisey,**

---

**House Committees**

Transportation & Local Government  
Finance  
Appropriations

**Senate Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE REGULATION OF STRUCTURES THAT ARE**  
102                    **MANUFACTURED AT A LOCATION THAT IS NOT AT THE SITE**  
103                    **WHERE THE STRUCTURE IS OCCUPIED.**

---

**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>.)*

Current law regulates the manufacturers, sellers, and installers of manufactured homes. This regulation includes requirements for the installation of manufactured homes, contract and disclosure requirements, and the registration, escrow, reimbursement, bonding, and inspections of the manufacturers, installers, and sellers. In addition, the state housing

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.*

board (board) sets standards for the proper manufacture and installation of manufactured homes. The board consults with an advisory committee when promulgating rules.

The bill adds tiny homes, which are typically manufactured, to this regulation on substantially similar terms. This includes adding 2 representatives of the tiny home industry to the advisory committee. The board is given the duty to regulate foundations for manufactured homes and factory-built structures where no construction standards otherwise exist.

In addition to adding tiny homes to these provisions, the bill addresses tiny home regulation in the following manner:

- The board shall promulgate rules establishing specific standards for tiny homes. When the national or international standard is created, the board may use that standard. The board may modify these standards as necessary.
- The board shall establish standards for connecting a tiny home to utilities, including water, sewer, natural gas, and electricity;
- A local government may require the inspection of a tiny home manufactured before July 1, 2023, if the tiny home is not manufactured in accordance with the board's standards;
- A state electrical inspector or a local government may approve the connection of a tiny home for electric utility service if the tiny home is in compliance with applicable codes and standards for connection for electric utility service; and
- A state plumbing inspector or a local government may approve the connection of a tiny home for water, gas, or sewer utility service if the tiny home is in compliance with applicable codes and standards for connection for water, gas, or sewer utility service.

If a tiny home is approved for connection to utilities through the process described above, the tiny home may be connected to the appropriate utilities. Current law governing the connection to each utility is amended to avoid conflicts with the process established in the bill.

Selling or installing a tiny home without complying with the bill is declared a deceptive trade practice, which subjects a violator to damages in a lawsuit, a class 1 misdemeanor, and civil penalties of:

- Up to \$20,000 per violation;
- Up to \$10,000 for violating a court order or injunction; and
- Up to \$50,000 per violation if the victim is an elderly person.

Current law regulates mobile home parks, including notice requirements, lease termination limits and requirements, security deposit

regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. The bill includes tiny homes under these provisions.

Current law exempts manufactured homes from sales and use tax. The bill adds tiny homes to this exemption.

---

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)(b), (1)(c), (1)(d), (1)(e), (2)(b), (2)(c), (2)(d)  
4 and (3); and **add** (1)(f) and (2)(e) as follows:

5 **24-32-3301. Legislative declaration.** (1) The general assembly  
6 hereby finds, determines, and declares that mobile homes, manufactured  
7 housing, and factory-built ~~housing~~ STRUCTURES are important and  
8 effective ways to meet Colorado's affordable housing needs. The general  
9 assembly further finds and declares that, because of the housing crisis in  
10 Colorado, there is a need to promote the affordability and accessibility of  
11 new manufactured HOMES and factory-built ~~housing~~ STRUCTURES. The  
12 general assembly encourages local governments to enact ordinances and  
13 rules that effectively treat factory-built ~~housing~~ STRUCTURES certified  
14 through the state program and manufactured housing certified through the  
15 federal program the same as site-built homes. The general assembly  
16 further finds, determines, and declares that:

17 (b) The comprehensive regulation of the installation of MOBILE  
18 HOMES, manufactured homes, OR TINY HOMES to ensure safety,  
19 affordability, efficiency, and performance is a matter of statewide and  
20 local concern.

21 (c) The protection of Colorado consumers who purchase

1 manufactured homes OR TINY HOMES from fraud and other unfair business  
2 practices is a matter of statewide concern and consumers can best be  
3 protected by:

4 (I) Requiring registration of persons engaged in the business of  
5 selling manufactured homes OR TINY HOMES;

6 (II) Imposing escrow and bonding requirements upon persons  
7 engaged in the business of MANUFACTURING OR selling manufactured  
8 homes OR TINY HOMES; and

9 (III) Requiring persons engaged in the business of selling  
10 manufactured homes OR TINY HOMES to include specified disclosures and  
11 provisions in any contract for the sale of a manufactured home OR TINY  
12 HOME.

13 (d) The imposition of registration requirements upon THE sellers  
14 of manufactured homes OR TINY HOMES by both the state and political  
15 subdivisions of the state would impose an undue burden upon THE sellers  
16 of manufactured homes OR TINY HOMES and discourage the sale of  
17 manufactured homes OR TINY HOMES.

18 (e) The registration, escrow and bonding, and contract  
19 requirements imposed on THE sellers of manufactured homes OR TINY  
20 HOMES by this part 33 are exclusive, and ~~no~~ A political subdivision of the  
21 state ~~may~~ SHALL NOT impose any additional registration, escrow and  
22 bonding, or contract requirements on the sellers.

23 (f) THE REGULATION OF TINY HOMES IS NECESSARY TO PROTECT  
24 CONSUMER SAFETY AND RECOGNIZE TINY HOMES AS AN AFFORDABLE  
25 HOUSING ALTERNATIVE.

26 (2) The general assembly further declares that in enacting this part  
27 33, it is the intent of the general assembly that the division establish,

1 through the board, rules as it deems necessary to ensure:

2 (b) Consumer safety in the purchase of manufactured homes OR  
3 TINY HOMES;

4 (c) The registration of ~~manufactured home~~ installers and the  
5 creation of uniform standards for ~~the installation of manufactured homes~~  
6 INSTALLATION on a statewide basis; ~~and~~

7 (d) The safety, affordability, and performance of hotels, motels,  
8 and multifamily structures in areas of the state where no construction  
9 standards for hotels, motels, and multifamily structures exist; AND

10 (e) THE SAFETY OF FOUNDATION SYSTEMS FOR TINY HOMES,  
11 MANUFACTURED HOMES AND FACTORY-BUILT STRUCTURES IN AREAS OF  
12 THE STATE WHERE NO CONSTRUCTION STANDARDS FOR TINY HOMES,  
13 MANUFACTURED HOMES, AND FACTORY-BUILT STRUCTURES EXIST.

14 (3) The general assembly further declares that the factory-built  
15 structure programs AND TINY HOME PROGRAMS administered and rules  
16 adopted pursuant to UNDER this part 33 apply only to ~~work performed in~~  
17 ~~a factory or WORK PERFORMED OFF SITE OR WORK completed at a THE~~  
18 ~~INSTALLATION site, using components shipped with the factory-built~~  
19 ~~structure~~ as reflected in the approved plans for the factory-built structure  
20 OR TINY HOME.

21 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**  
22 (3), (4), (6), (11), (16), (17), (20)(a), (20)(d), (26), (29), (30), (32.5), and  
23 (33); and **add** (24.5), (26.5), (34), and (35) as follows:

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

26 (3) "Certificate of installation" means a certificate issued by the  
27 division for an installation ~~of a manufactured home that meets the~~

1 ~~requirements of~~ COMPLIES WITH this part 33 AND RULES THAT THE BOARD  
2 ADOPTS UNDER THIS PART 33.

3 (4) "Certified installer" means an installer of manufactured homes  
4 ~~who~~ OR TINY HOMES THAT:

5 (a) Is registered with the division; ~~and who~~

6 (b) Has installed at least five manufactured homes OR TINY HOMES  
7 in compliance with the manufacturer's instructions or standards created  
8 by the division pursuant to this part 33; and

9 (c) Has been approved by the division for certified status.

10 (6) "Defect" means any deviation in the performance,  
11 construction, components, or material of a manufactured home, TINY  
12 HOME, OR FACTORY-BUILT STRUCTURE that renders the MANUFACTURED  
13 home, TINY HOME, OR FACTORY-BUILT STRUCTURE or any part ~~thereof~~ OF  
14 THE MANUFACTURED HOME, TINY HOME, OR FACTORY-BUILT STRUCTURE  
15 not fit for the ordinary use for which it was intended.

16 (11) "Factory-built structure" means:

17 (a) A factory-built nonresidential ~~and~~ STRUCTURE;

18 (b) A factory-built residential ~~buildings~~. STRUCTURE; AND

19 (c) A FACTORY-BUILT TINY HOME.

20 (16) (a) "Installation" means the placement of a manufactured  
21 home OR TINY HOME on a permanent or temporary foundation system.

22 (b) "Installation" includes ~~without limitation~~ supporting, blocking,  
23 leveling, securing, or anchoring the home and connecting multiple or  
24 expandable sections of the home.

25 (17) "Installer" means any person who performs the installation  
26 of:

27 (a) A manufactured home, which includes multifamily structures,

1 for those with THE knowledge, experience, and skills to do so; OR  
2 (b) A TINY HOME.  
3 (20) "Manufactured home" means any preconstructed building  
4 unit or combination of preconstructed building units or closed panel  
5 systems that:  
6 (a) ~~Include~~ INCLUDES electrical, mechanical, or plumbing services  
7 that are fabricated, formed, or assembled at a location other than the site  
8 of the completed home;  
9 (d) ~~Does not have motor power~~ IS NOT SELF-PROPELLED; and  
10 (24.5) "MOBILE HOME PARK" HAS THE MEANING SET FORTH IN  
11 SECTION 38-12-201.5 (6).  
12 (26) "Owner" means the owner of a manufactured home OR TINY  
13 HOME.  
14 (26.5) "PERMANENT FOUNDATION" MEANS A STRUCTURE THAT IS  
15 DESIGNED OR INTENDED TO:  
16 (a) SUPPORT A BUILDING FROM UNDERNEATH;  
17 (b) KEEP A BUILDING FIRMLY AFFIXED TO THE GROUND;  
18 (c) PREVENT THE BUILDING FROM MOVING; AND  
19 (d) NOT BE REMOVED FROM THE GROUND OR BUILDING.  
20 (29) "Purchaser" means ~~the first~~ A person purchasing a  
21 manufactured home OR TINY HOME IF EITHER IS PURCHASED in good faith  
22 for purposes other than resale.  
23 (30) "Quality assurance representative" means any state, firm,  
24 corporation, or other entity that proposes to conduct production reviews,  
25 evaluate a manufacturer's quality control procedures, and perform design  
26 evaluations. ~~for factory-built structures.~~  
27 (32.5) "Seller" means any person engaged in the business of

1 selling manufactured homes to be installed in Colorado OR TINY HOMES  
2 TO BE OCCUPIED OR INSTALLED IN COLORADO.

3 (33) "Site" means the entire tract, subdivision, or parcel of land on  
4 which manufactured homes OR TINY HOMES are installed.

5 (34) "TEMPORARY FOUNDATION" MEANS A STRUCTURE THAT IS  
6 DESIGNED OR INTENDED TO:

7 (a) SUPPORT A BUILDING FROM UNDERNEATH;

8 (b) KEEP A BUILDING FIRMLY AFFIXED TO THE GROUND;

9 (c) PREVENT THE BUILDING FROM MOVING; AND

10 (d) BE REMOVABLE FROM THE GROUND OR BUILDING.

11 (35) (a) "TINY HOME" MEANS A STRUCTURE THAT:

12 (I) IS PERMANENTLY CONSTRUCTED ON A VEHICLE CHASSIS;

13 (II) IS DESIGNED FOR LONG-TERM RESIDENCY;

14 (III) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES  
15 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER  
16 THAN THE SITE OF THE COMPLETED HOME;

17 (IV) IS NOT SELF-PROPELLED; AND

18 (V) HAS A SQUARE FOOTAGE OF NOT MORE THAN FOUR HUNDRED  
19 SQUARE FEET.

20 (b) "TINY HOME" DOES NOT INCLUDE:

21 (I) A MANUFACTURED HOME;

22 (II) A RECREATIONAL PARK TRAILER AS DEFINED IN SECTION  
23 24-32-902 (8);

24 (III) A RECREATIONAL VEHICLE AS DEFINED IN SECTION 24-32-902  
25 (9);

26 (IV) A SEMITRAILER AS DEFINED IN SECTION 42-1-102 (89); OR

27 (V) AN INTERMODAL SHIPPING CONTAINER.



1           **SECTION 3.** In Colorado Revised Statutes, 24-32-3303, **amend**  
2           (1)(e), (1)(f), and (1)(g); and **add** (1)(h) as follows:

3           **24-32-3303. Division of housing - powers and duties - rules.**

4           (1) The division has the following powers and duties pursuant to this part  
5           33:

6           (e) To enforce requirements concerning ~~the installation of~~  
7           ~~manufactured homes~~ INSTALLATIONS, including the registration and  
8           certification status of installers;

9           (f) To enforce requirements concerning the sale of TINY HOMES  
10          AND OF manufactured homes, including the registration status of sellers;  
11          **and**

12          (g) To enforce requirements concerning the safety of hotels,  
13          motels, and multi-family structures in areas of the state where no  
14          construction standards for hotels, motels, and multi-family structures  
15          exist; AND

16          (h) TO ENFORCE REQUIREMENTS CONCERNING THE SAFETY OF  
17          FOUNDATION SYSTEMS FOR MANUFACTURED HOMES, TINY HOMES, AND  
18          FACTORY-BUILT STRUCTURES IN AREAS OF THE STATE WHERE NO  
19          CONSTRUCTION STANDARDS FOR MANUFACTURED HOMES, TINY HOMES,  
20          AND FACTORY-BUILT STRUCTURES EXIST.

21          **SECTION 4.** In Colorado Revised Statutes, 24-32-3304, **amend**  
22          (1)(d); and **add** (1)(f) and (1)(g) as follows:

23          **24-32-3304. State housing board - powers and duties - rules.**

24          (1) The board has the following powers and duties pursuant to this part  
25          33:

26          (d) To promulgate rules establishing standards for the installation  
27          and setup of manufactured housing units; **and**

1 (f) TO PROMULGATE RULES ESTABLISHING STANDARDS FOR TINY  
2 HOMES THAT COVER THE MANUFACTURE OF, ASSEMBLY OF, AND  
3 INSTALLATION OF TINY HOMES; AND

4 (g) TO PROMULGATE UNIFORM FOUNDATION CONSTRUCTION  
5 STANDARDS FOR MANUFACTURED HOMES, FACTORY-BUILT STRUCTURES,  
6 OR TINY HOMES IN THOSE AREAS OF THE STATE WHERE NO STANDARDS  
7 EXIST.

8 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**  
9 (1) introductory portion, (1)(b), (1)(c), (2), and (3); and **add** (1)(e) and  
10 (1)(f) as follows:

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

13 (b) The safety of consumers purchasing manufactured homes OR  
14 TINY HOMES;

15 (c) The safety of ~~manufactured home~~ installations; **and**

16 (e) THE IMPLEMENTATION OF SECTIONS 24-32-3328 AND  
17 24-32-3329; AND

18 (f) THE SAFETY OF FOUNDATION SYSTEMS FOR MANUFACTURED  
19 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES IN AREAS OF THE  
20 STATE WHERE NO CONSTRUCTION STANDARDS FOR MANUFACTURED  
21 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES EXIST.

22 (2) Rules promulgated by the board must include provisions  
23 imposing requirements reasonably consistent with recognized and  
24 accepted standards adopted by THE ASTM INTERNATIONAL, the  
25 International Code Council, the National Fire Protection Association, and  
26 the Colorado state plumbing and electrical codes, or a combination  
27 ~~thereof~~ OF THESE STANDARDS AND CODES, except to the extent that the

1 board finds that the standards and codes are inconsistent with this part 33.  
2 ~~All rules promulgated by~~ The board ~~must be adopted~~ SHALL ADOPT RULES  
3 pursuant to article 4 of this title 24.

4 (3) (a) The board must consult with and obtain the advice of an  
5 advisory committee on ~~residential and nonresidential~~ FACTORY-BUILT  
6 structures AND TINY HOMES in the drafting and promulgation of rules. The  
7 committee consists of ~~twelve~~ FIFTEEN members appointed by the division  
8 from the following professional and technical disciplines:

- 9 (I) One from architecture;
- 10 (II) One from structural engineering;
- 11 (III) Three from building code enforcement;
- 12 (IV) One from mechanical engineering or contracting;
- 13 (V) One from electrical engineering or contracting;
- 14 (VI) One from the plumbing industry;
- 15 (VII) One from the construction design or producer industry;
- 16 (VIII) Two from manufactured housing;
- 17 (IX) TWO FROM THE TINY HOME INDUSTRY; [REDACTED]
- 18 (X) ONE FROM ENERGY CONSERVATION; and
- 19 (XI) One from organized labor.

20 (b) Committee members ~~shall be~~ ARE reimbursed for actual and  
21 necessary expenses incurred while engaged in official duties.

22 **SECTION 6.** In Colorado Revised Statutes, 24-32-3306, **amend**  
23 (1) as follows:

24 **24-32-3306. Recognition of similar standards - compliance**  
25 **with standards.** (1) If the division determines that standards for  
26 factory-built STRUCTURES, TINY HOMES, or manufactured ~~housing~~ HOMES  
27 prescribed by statute or rule of another state or by the United States

1 department of housing and urban development are reasonably consistent  
2 with, or equal to, standards required by this part 33, it may provide by rule  
3 that factory-built STRUCTURES, TINY HOMES, or manufactured ~~housing~~  
4 HOMES approved by the other state or by the department ~~meets~~ MEET the  
5 standards required by this part 33.

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

8 **24-32-3307. Noncompliance with standards.** (1) (a) The  
9 division may obtain injunctive relief from ~~the appropriate~~ A court OF  
10 COMPETENT JURISDICTION to enjoin the manufacture, sale, delivery, or  
11 installation of:

12 (I) A factory-built ~~housing~~ STRUCTURE by filing an affidavit  
13 specifying the manner in which the ~~housing~~ FACTORY-BUILT STRUCTURE  
14 does not conform to the requirements of this part 33 or to rules  
15 promulgated pursuant to section 24-32-3305; OR

16 (II) A TINY HOME BY FILING AN AFFIDAVIT SPECIFYING THE  
17 MANNER IN WHICH THE TINY HOME DOES NOT CONFORM TO THIS PART 33  
18 OR TO RULES PROMULGATED UNDER SECTION 24-32-3305 (1)(e) OR  
19 24-32-3328.

20 (b) The division may suspend the issuance of insignias of  
21 approval while injunctive relief is being sought.

22 **SECTION 8.** In Colorado Revised Statutes, 24-32-3309, **amend**  
23 (1)(a) and (2) as follows:

24 **24-32-3309. Fees - building regulation fund - rules.**  
25 (1) (a) (I) The board, by rule, ~~must~~ SHALL establish a schedule of fees  
26 designed to pay all direct and indirect costs incurred by the division in  
27 carrying out and enforcing ~~the provisions~~ of this part 33; except that the

1 amount of the registration fee for installers of ~~manufactured homes~~ is  
2 LIMITED TO the amount specified in section 24-32-3315 (5) and the  
3 amount of the registration fee for sellers of ~~manufactured homes~~ is  
4 LIMITED TO the amount specified in section 24-32-3323 (3).

5 (II) Before ~~establishing~~ THE BOARD ESTABLISHES the schedule of  
6 fees, the division, ~~must~~ FOR THE BOARD'S CONSIDERATION, SHALL gather  
7 information regarding the fees charged by:

8 (A) Colorado local governments for the inspection and  
9 certification of improvements to residential real property that are not  
10 manufactured homes OR TINY HOMES; and

11 (B) ~~the fees charged by~~ Governmental entities outside of Colorado  
12 for the inspection and certification of manufactured homes ~~for the board's~~  
13 ~~consideration~~ OR TINY HOMES.

14 (III) The fees must be paid to the division and transmitted to the  
15 state treasurer, who ~~must~~ SHALL credit the fees to the building regulation  
16 fund, which fund is hereby created in the state treasury and referred to in  
17 this section as the "fund". THE STATE TREASURER SHALL CREDIT all  
18 interest derived from the deposit and investment of money in the fund  
19 ~~must be credited~~ to the fund. Except as otherwise provided in subsection  
20 (2) of this section, at the end of any fiscal year, all unexpended and  
21 unencumbered money in the fund ~~must remain~~ REMAINS in the fund and  
22 must not be credited or transferred to the general fund or any other fund  
23 or used for any other purpose other than to offset the costs of  
24 implementing, ~~and~~ administering, and enforcing ~~the provisions of~~ this  
25 part 33.

26 (2) In addition to being used to offset the costs of implementing  
27 and administering this part 33 as specified in subsection (1) of this

1 section, money in the fund may be expended:

2 (a) To provide education and training to manufacturers, sellers,  
3 installers, building department employees, elected officials, and, as  
4 appropriate, other persons affected by the mobile HOME, manufactured  
5 HOME, TINY HOME, and factory-built ~~structures~~ STRUCTURE industry  
6 regarding the building codes and state program requirements applicable  
7 to mobile HOMES, manufactured HOMES, TINY HOMES, and factory-built  
8 structures within the state;

9 (b) To provide consumer training throughout the state that will  
10 help a consumer make informed decisions when purchasing or  
11 considering the purchase of a mobile home, manufactured home, TINY  
12 HOME, or factory-built structure; and

13 (c) To provide education and grants that will help manufacturers,  
14 sellers, installers, owners, and, as appropriate, other parties affected by  
15 the mobile HOME, manufactured HOME, TINY HOME, and factory-built  
16 ~~structures~~ STRUCTURE industry address safety issues that affect mobile  
17 HOMES, manufactured HOMES, TINY HOMES, and factory-built structures.

18 **SECTION 9.** In Colorado Revised Statutes, 24-32-3311, **amend**  
19 (1)(a.3), (1)(a.7), (4), and (6) as follows:

20 **24-32-3311. Certification of factory-built structures - rules.**

21 (1) (a.3) Manufacturers of factory-built structures to be installed in the  
22 state ~~must~~ SHALL register with the division as provided in board rules and  
23 are subject to enforcement action, including suspension or revocation of  
24 their registration for failing to comply with requirements contained in this  
25 part 33 and board rules. A MANUFACTURER SHALL:

26 (I) COMPLY WITH ESCROW REQUIREMENTS OF DOWN PAYMENTS AS  
27 ESTABLISHED BY THE BOARD BY RULE; AND

1 (II) PROVIDE A LETTER OF CREDIT, CERTIFICATE OF DEPOSIT ISSUED  
2 BY A LICENSED FINANCIAL INSTITUTION, OR SURETY BOND ISSUED BY AN  
3 AUTHORIZED INSURER IN AN AMOUNT AND PROCESS ESTABLISHED BY THE  
4 BOARD BY RULE. A FINANCIAL INSTITUTION OR AUTHORIZED INSURER  
5 SHALL PAY THE DIVISION THE LETTER OF CREDIT, CERTIFICATE OF DEPOSIT,  
6 OR SURETY BOND IF A COURT OF COMPETENT JURISDICTION HAS RENDERED  
7 A FINAL JUDGMENT IN FAVOR OF THE DIVISION BASED ON A FINDING THAT:

8 (A) THE MANUFACTURER FAILED TO DELIVER THE FACTORY-BUILT  
9 STRUCTURE;

10 (B) THE MANUFACTURER FAILED TO REFUND A DOWN PAYMENT  
11 MADE TOWARD THE PURCHASE OF THE FACTORY-BUILT STRUCTURE; OR

12 (C) THE MANUFACTURER CEASED DOING BUSINESS OPERATIONS OR  
13 FILED FOR BANKRUPTCY.

14 (a.7) (I) The division ~~must~~ SHALL conduct a full design and plan  
15 review and inspection of the construction of factory-built structures to the  
16 extent the design and construction relates to work performed off site or  
17 work that is completed ~~onsite using components shipped with the~~  
18 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the  
19 approved plans for the factory-built structure. A local government ~~may~~  
20 SHALL not duplicate efforts to review or approve the construction of a  
21 factory-built structure that is under review or approved by the division nor  
22 ~~may~~ SHALL it charge building permit fees to cover the cost of plan  
23 reviews or inspections performed by the division. A local government's  
24 jurisdiction is limited to work done ~~onsite~~ AT THE INSTALLATION SITE in  
25 compliance with ~~section 24-32-3311 (6)~~ SUBSECTION (6) OF THIS SECTION  
26 and includes associated plan review, permits, inspections, and fees.

27 (II) The division may authorize a local government to inspect and

1 approve work that is completed onsite using components shipped with the  
2 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the  
3 approved plans for the factory-built structure. A local government may  
4 charge inspection fees if authorized to assist the division to inspect and  
5 approve work ON A FACTORY-BUILT STRUCTURE that is completed onsite  
6 ~~using components shipped with the factory-built structure~~ AT THE  
7 INSTALLATION SITE as reflected in the approved plans for the factory-built  
8 structure.

9 (4) A factory-built structure bearing an insignia of approval issued  
10 by the division and affixed by the division or an authorized quality  
11 assurance representative pursuant to this part 33 is deemed to be designed  
12 and constructed in compliance with the requirements of all codes and  
13 standards enacted or adopted by the state and accounting for any local  
14 government installation requirements adopted in compliance with sections  
15 24-32-3310 and 24-32-3318 that are applicable to the construction of  
16 factory-built structures, to the extent that the design and construction  
17 relates to work performed in a factory or work ON A FACTORY-BUILT  
18 STRUCTURE that is completed at a THE INSTALLATION site using  
19 ~~components shipped with the factory-built structure~~ as reflected in the  
20 approved plans for the factory-built structure. The determination by the  
21 division of the scope of such approval is final. An insignia of approval  
22 affixed to the factory-built structure does not expire unless the design and  
23 construction of the factory-built structure has been modified from  
24 approved plans.

25 (6) All work at a THE INSTALLATION site that is unrelated to the  
26 installation of a factory-built structure or ~~components shipped with~~  
27 UNRELATED TO COMPLETING CONSTRUCTION OF A FACTORY-BUILT



1 STRUCTURE AT THE INSTALLATION SITE AS REFLECTED IN THE APPROVED  
2 PLANS FOR the factory-built structure, including additions, modifications,  
3 and repairs to a factory-built structure, ~~are~~ IS subject to applicable local  
4 government rules.

5 **SECTION 10.** In Colorado Revised Statutes, **repeal** 24-32-3313  
6 as follows:

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

14 **SECTION 11.** In Colorado Revised Statutes, 24-32-3315, **amend**  
15 (1)(c), (3), and (4) introductory portion as follows:

16 **24-32-3315. Installers of manufactured homes and tiny homes**  
17 **- registration - fees - educational requirements - rules.** (1) (c) (I) A  
18 homeowner ~~who~~ IS NOT REQUIRED TO REGISTER AS AN INSTALLER WITH  
19 THE DIVISION IF THE HOMEOWNER installs the ~~owner's~~ HOMEOWNER'S own  
20 manufactured home that is a one- or two-family dwelling INTENDED FOR  
21 THE HOMEOWNER'S OWN PERSONAL USE OR A TINY HOME intended for ~~their~~  
22 THE HOMEOWNER'S own personal use, ~~is not required to register as an~~  
23 ~~installer with the division,~~ but THE HOMEOWNER must comply with all  
24 provisions of this part 33 other than registration provisions. A homeowner  
25 is limited to ~~the~~ ONE installation of ~~one manufactured home~~ in any  
26 twelve-month period and ~~a total of~~ no more than five during ~~their~~ THE  
27 HOMEOWNER'S lifetime.

1 (II) A homeowner installing ~~their~~ THE HOMEOWNER'S own  
2 MANUFACTURED HOME OR TINY home ~~is required to~~ SHALL do ~~their own~~  
3 THE installation work. If the homeowner has another person perform  
4 installation work, ~~on their manufactured home~~; that person ~~is required to~~  
5 MUST be a registered or certified installer.

6 (3) ~~An application~~ A PERSON APPLYING for registration or  
7 certification as ~~a manufactured home~~ AN installer, whether AN initial or  
8 renewal APPLICATION, ~~must be submitted~~ SUBMIT THE APPLICATION on a  
9 form provided by the division and verified by a declaration dated and  
10 signed BY THE APPLICANT under penalty of perjury. ~~by the applicant~~. The  
11 application must contain, in addition to any other information the division  
12 may reasonably require, the name, address, E-MAIL ADDRESS, and  
13 telephone number of the applicant. The division shall make the  
14 application and declaration available for public inspection.

15 (4) ~~On and after July 1, 2008~~, In order to be registered initially as  
16 ~~a manufactured home~~ AN installer, an applicant must:

17 **SECTION 12.** In Colorado Revised Statutes, 24-32-3315.5,  
18 **amend** (1) introductory portion, (1)(a), and (1)(b) as follows:

19 **24-32-3315.5. Contract for the installation of manufactured**  
20 **homes and tiny homes - requirements.** (1) A registered or certified  
21 installer must provide a contract for the installation of each manufactured  
22 home OR TINY HOME and make the following disclosures in any contract  
23 for the installation of a manufactured home OR TINY HOME:

24 (a) That the installer has a letter of credit, certificate of deposit, or  
25 surety bond filed with the division for the performance of the installation;  
26 ~~of the manufactured home~~;

27 (b) That an aggrieved person may file a complaint with the

1 division concerning the performance of the installation, ~~of the~~  
2 ~~manufactured home~~, including making a claim against the letter of credit,  
3 certificate of deposit, or surety bond filed with the division; and

4 **SECTION 13.** In Colorado Revised Statutes, 24-32-3316, **amend**  
5 (1) as follows:

6 **24-32-3316. Compliance with manufacturer's installation**  
7 **instructions.** (1) Except as provided by subsection (2) or (3) of this  
8 section, any installation ~~of a manufactured home in this state shall~~ MUST  
9 be performed in strict accordance with the applicable manufacturer's  
10 installation instructions. A copy of the manufacturer's instructions or the  
11 standards promulgated by the division must be available at the time of  
12 installation and inspection.

13 **SECTION 14.** In Colorado Revised Statutes, 24-32-3317, **amend**  
14 (1), (2), (2.3), (2.9), (3)(a) introductory portion, (3)(a)(II) introductory  
15 portion, (3)(a)(II)(C), (3)(b), (4), (5)(a) introductory portion, (5)(b), (6),  
16 (7), (8), (9), (10) introductory portion, and (10)(e) as follows:

17 **24-32-3317. Installation of manufactured homes and tiny**  
18 **homes - authorization - certificates - inspections - inspector**  
19 **qualification and education requirements - rules.** (1) Before beginning  
20 ~~the AN installation, of a manufactured home~~, the owner or registered  
21 installer of a manufactured home OR TINY HOME must submit a request to  
22 the division and receive an installation authorization from the division on  
23 a division-approved form, unless the installation is occurring in a  
24 jurisdiction where a local government is participating as an independent  
25 contractor, in which case the owner or registered installer is to follow the  
26 local government's process for receiving authorization to install a  
27 manufactured home OR TINY HOME.

1           (2) The division may certify any installer who provides evidence  
2 of five or more installations of manufactured homes OR TINY HOMES  
3 performed by the installer for which installation authorizations have  
4 previously been issued ~~pursuant to~~ IN ACCORDANCE WITH this section  
5 when, in the judgment of the division, the installer has demonstrated the  
6 ability to successfully complete installations ~~of manufactured homes~~ in  
7 accordance with ~~the requirements of~~ this part 33.

8           (2.3) An installer certified by the division is not required to obtain  
9 an installation authorization from the division, but A CERTIFIED INSTALLER  
10 is required to obtain authorization to install a manufactured home OR TINY  
11 HOME from any local government participating as an independent  
12 contractor. FOR ANY INSTALLATION OCCURRING WITHIN THE JURISDICTION  
13 OF A LOCAL GOVERNMENT NOT PARTICIPATING AS AN INDEPENDENT  
14 CONTRACTOR, THE CERTIFIED INSTALLER, UPON COMPLETION OF THE  
15 INSTALLATION IN ACCORDANCE WITH THIS PART 33 AND BOARD RULES,  
16 SHALL AFFIX ON THE MANUFACTURED HOME OR TINY HOME an installation  
17 insignia issued by the division. ~~is to be affixed on the manufactured home~~  
18 ~~by the certified installer upon completion of the installation of the~~  
19 ~~manufactured home in accordance with the requirements of this part 33~~  
20 ~~and board rules in any jurisdiction not participating as an independent~~  
21 ~~contractor.~~

22           (2.9) The division or AN independent contractor at the request of  
23 the division may, at the division's sole discretion, inspect ~~the~~ AN  
24 installation ~~of any manufactured home~~ performed by a certified installer  
25 ~~pursuant to this subsection (2.9)~~ and may require the certified installer to  
26 correct, within a period established by rule promulgated by the board, any  
27 defects or deficiencies in the installation. The division may revoke the

1 certification of any installer ~~certified pursuant to this subsection (2.9)~~  
2 when, in the judgment of the division, the installer has performed  
3 ~~installations of a manufactured home~~ AN INSTALLATION in violation of the  
4 ~~requirements of this part 33~~ OR BOARD RULES ADOPTED UNDER THIS PART  
5 33. Any installer whose certification has been so revoked may apply for  
6 recertification in accordance with rules promulgated by the division.

7 (3) (a) The division may fine A REGISTERED INSTALLER OR  
8 suspend or revoke the registration of a registered installer if the installer  
9 fails to:

10 (II) Otherwise pay to the owner or occupant of a manufactured  
11 home OR TINY HOME:

12 (C) A refund of any money paid up front that did not result in a  
13 complete installation ~~of the manufactured home~~ BY THE INSTALLER or the  
14 ~~cost of completing~~ THAT WAS USED TO PAY A DIFFERENT REGISTERED  
15 INSTALLER TO COMPLETE the installation. ~~by a different registered~~  
16 ~~installer.~~

17 (b) (I) A financial institution or authorized insurer is required to  
18 make payment to the division ~~making~~ WHEN THE DIVISION MAKES a claim  
19 against the letter of credit, certificate of deposit, or surety bond:

20 (A) If a court of competent jurisdiction has rendered a final  
21 judgment in favor of the division based on a finding that the registered  
22 installer failed to perform on the installation ~~of the manufactured home~~  
23 as required by this part 33 or board rules; or

24 (B) ~~upon a ceasing of business operations or a bankruptcy filing~~  
25 ~~by the registered installer~~ IF THE REGISTERED INSTALLER CEASES BUSINESS  
26 OPERATIONS OR FILES FOR BANKRUPTCY.

27 (II) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF

1 any installer who fails to provide a letter of credit, certificate of deposit,  
2 or surety bond as required by section 24-32-3315 (2) and (6) or who  
3 otherwise fails to pay any judgment by a court of competent jurisdiction  
4 in favor of the division. ~~is subject to the suspension or revocation of the~~  
5 ~~registration by the division.~~

6 (4) An owner or a registered installer must display an installation  
7 authorization at the site ~~of~~ AT WHICH a manufactured home OR TINY HOME  
8 IS to be installed until an installation insignia is issued by the division or  
9 independent contractor, unless the installation is occurring in a  
10 jurisdiction where a local government is participating as an independent  
11 contractor. ~~in which case~~ IF THE LOCAL GOVERNMENT IS AN INDEPENDENT  
12 CONTRACTOR, the owner or registered installer ~~is to~~ SHALL follow the  
13 local government's process for identifying a manufactured home OR TINY  
14 HOME to be installed until the division's installation insignia is issued by  
15 the local government.

16 (5) (a) The division shall adopt rules that specify a standard form  
17 to be used statewide by the division or an independent contractor as a  
18 certificate of installation certifying that a manufactured home OR TINY  
19 HOME was installed in compliance with ~~the provisions of~~ this part 33.  
20 However, the certificate of installation applies only to AN installation of  
21 ~~a manufactured home built in a factory and components shipped with the~~  
22 ~~manufactured home as reflected in the approved plans for the~~  
23 ~~manufactured home~~ OR OF A TINY HOME. The certificate of installation  
24 ~~must include but not be limited to~~ the following:

25 (b) If a vacant manufactured home OR TINY HOME fails an  
26 installation inspection because of conditions that endanger the health or  
27 safety of the occupant, the manufactured home OR TINY HOME cannot be

1 occupied UNTIL THE DEFECTS OR DEFICIENCIES THAT FORM THE BASIS OF  
2 THE FAILED INSPECTION ARE CORRECTED. If a manufactured home OR TINY  
3 HOME fails an installation inspection because of conditions that do not  
4 endanger the health or safety of the occupant, the manufactured home OR  
5 TINY HOME may be occupied pending the correction of those defects or  
6 deficiencies that served as the basis of the failed inspection.

7 (6) In addition to inspections performed pursuant to subsection  
8 (2.9) of this section, the division or the independent contractor that  
9 performs inspections and enforcement of proper ~~installation of~~  
10 ~~manufactured homes~~ INSTALLATIONS may inspect ~~the~~ AN installation of  
11 ~~a manufactured home~~ upon request filed by the owner, installer,  
12 manufacturer, or seller. ~~of the manufactured home.~~ The PARTY  
13 REQUESTING THE inspection must ~~be paid for by the party that requested~~  
14 PAY FOR the inspection.

15 (7) If ~~the~~ AN installation of ~~a manufactured home by an installer~~  
16 ~~has failed~~ FAILS the inspection conducted by the division or the  
17 independent contractor and ~~it is determined by~~ the division or the  
18 independent contractor DETERMINES that the installer has FAILED TO  
19 COMPLY WITH THE MANUFACTURER'S INSTRUCTIONS OR violated any of the  
20 installation standards promulgated by the division, the installer ~~must~~  
21 SHALL reimburse the party requesting the inspection for the cost of the  
22 failed inspection and ~~must~~ pay for any subsequent repairs necessary to  
23 bring the installation into compliance with the manufacturer's instructions  
24 or standards promulgated by the division. The installer ~~must~~ SHALL also  
25 pay for any subsequent inspections required by the division or the  
26 independent contractor. Failure of the installer to pay for any inspections  
27 or subsequent repairs deemed necessary by the division or the

1 independent contractor ~~shall result~~ RESULTS in the forfeiture of the  
2 installer's performance bond on behalf of the owner. ~~of the manufactured~~  
3 ~~home.~~

4 (8) (a) The division may authorize an independent contractor to  
5 perform inspections and enforcement of proper ~~installation of~~  
6 ~~manufactured homes~~ INSTALLATIONS.

7 (b) (I) The division ~~may~~ SHALL provide training for independent  
8 contractors TO PERFORM INSTALLATION INSPECTIONS. THE TRAINING MUST  
9 ENABLE INDEPENDENT CONTRACTORS WHO SUCCESSFULLY COMPLETE THE  
10 TRAINING TO BE CERTIFIED BY THE DIVISION. Independent contractors must  
11 be certified by the division to perform installation inspections.

12 (II) THE DIVISION MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FOR  
13 THE TRAINING OF INDEPENDENT CONTRACTORS. THE DIVISION SHALL  
14 TRANSMIT ANY GIFTS, GRANTS, OR DONATIONS IT RECEIVES TO THE STATE  
15 TREASURER FOR DEPOSIT IN THE BUILDING REGULATION FUND CREATED IN  
16 SECTION 24-32-3309.

17 (c) The division ~~must~~ SHALL establish by rule the qualifications of  
18 an inspector and the areas of expertise necessary for inspecting  
19 manufactured homes ~~On and after July 1, 2008~~, OR TINY HOMES. A new  
20 inspector must pass a division-approved installation test. The  
21 qualifications for an inspector include ~~but are not limited to~~ those of a  
22 professional civil engineer, ~~or~~ local housing inspector, or independent  
23 contractor. ~~Commencing in 2009~~, Inspectors ~~must~~ SHALL also complete  
24 and maintain records of the completion of division-approved education  
25 as established by the board ~~through rulemaking~~ BY RULE.

26 (9) If an installation or subsequent repair of an installation ~~by an~~  
27 ~~installer~~ fails to COMPLY WITH THE MANUFACTURER'S INSTRUCTIONS OR



1 meet the standards promulgated by the division within a period  
2 determined by the division, the division ~~must~~ SHALL investigate the  
3 actions of the installer. The division may revoke, suspend, or refuse to  
4 renew the registration or certification of the installer for failing to comply  
5 with the MANUFACTURER'S INSTRUCTIONS OR THE division's standards  
6 regarding AN installation. ~~of a manufactured home~~. Any independent  
7 contractor that knows of an installer whose installations ~~fail~~ HAVE FAILED  
8 inspection and have not been cured by subsequent repair ~~must~~ SHALL  
9 request that the division investigate the installer.

10 (10) The board ~~must~~ SHALL adopt rules concerning:

11 (e) Any other ~~rule~~ MATTER necessary for the implementation of  
12 ~~manufactured home~~ THE installation requirements in this part 33.

13 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-32-3318  
14 as follows:

15 **24-32-3318. Local installation standards preempted.**

16 (1) EXCEPT AS AUTHORIZED IN SECTION 24-32-3329, a local government  
17 ~~may~~ SHALL not adopt less stringent standards for ~~the~~ AN installation ~~of a~~  
18 ~~manufactured home~~ than those promulgated by the division. A local  
19 government ~~may~~ SHALL not, without express consent by the division,  
20 adopt different standards than the standards for ~~the~~ AN installation ~~of a~~  
21 ~~manufactured home~~ promulgated by the division.

22 (2) (a) Nothing in this section ~~may preclude~~ PROHIBITS a local  
23 government from enacting standards for TINY HOMES, ~~mobile HOMES~~, or  
24 modular homes concerning unique public safety requirements related to  
25 geographic or climatic conditions, such as weight restrictions for roof  
26 snow loads, ~~or~~ wind shear factors, OR WILDFIRE RISK, as otherwise  
27 permitted by law.

1 (b) UNLESS THE UNITED STATES DEPARTMENT OF HOUSING AND  
2 URBAN DEVELOPMENT HAS GRANTED AN EXEMPTION TO A LOCAL  
3 GOVERNMENT, a local government ~~may~~ SHALL not impose:

4 (I) Weight restrictions for roof snow loads or wind shear factors  
5 on a manufactured home built to the federal manufactured home  
6 construction and safety standards that are different from what has been  
7 zoned for the state of Colorado by the United States department of  
8 housing and urban development pursuant to the federal act; or ~~impose~~

9 (II) Any other requirements that would impact the design and  
10 construction of the MANUFACTURED home. ~~unless an exemption has been~~  
11 ~~granted for that jurisdiction by the United States department of housing~~  
12 ~~and urban development.~~

13 (3) Nothing in this section prohibits a local government from  
14 requiring on-site mitigation to address unique public safety requirements  
15 related to geographic and climatic conditions, such as weight restrictions  
16 for roof snow loads, ~~and~~ wind shear factors, OR WILDFIRE RISK on a  
17 manufactured home built to the federal manufactured home construction  
18 and safety standards, so long as there is no interference with the federal  
19 standards for the design and construction of the manufactured home.

20 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-32-3321  
21 as follows:

22 **24-32-3321. Investigations of consumer complaints.** The  
23 division may investigate complaints filed by owners, occupants, or other  
24 consumers relating to the construction of factory-built structures and  
25 manufactured homes, and the ~~sale~~ or installation OR SALE of  
26 manufactured homes AND TINY HOMES as necessary to enforce and  
27 administer this part 33.

1           **SECTION 17.** In Colorado Revised Statutes, **repeal** 24-32-3322  
2 as follows:

3           **24-32-3322. Training of inspectors - acceptance of gifts,**  
4 **grants, and donations.** ~~(1) On and after July 1, 2000, the division must~~  
5 ~~train independent contractors to perform installation inspections for~~  
6 ~~manufactured homes. The training must enable independent contractors~~  
7 ~~who successfully complete the training to become certified by the~~  
8 ~~division.~~

9           ~~(2) On and after July 1, 2000, the division may accept gifts,~~  
10 ~~grants, or donations for the training of independent contractors. The gifts,~~  
11 ~~grants, or donations received must be transmitted to the state treasurer~~  
12 ~~who must credit the money to the building regulation fund created in~~  
13 ~~section 24-32-3309.~~

14           **SECTION 18.** In Colorado Revised Statutes, **amend** 24-32-3323  
15 as follows:

16           **24-32-3323. Sellers of manufactured homes and tiny homes -**  
17 **registration.** (1) Any seller is required to register with the division  
18 before engaging in the business of selling manufactured homes ~~to be~~ OR  
19 TINY HOMES IF EITHER IS installed in Colorado.

20           (2) ~~An application~~ A PERSON APPLYING for a registration or  
21 renewal required by this section must ~~be submitted~~ SUBMIT THE  
22 APPLICATION on a form provided by the division and must ~~be verified~~  
23 VERIFY THE APPLICATION by a declaration signed and dated, under penalty  
24 of perjury, by a principal of the ~~manufactured home~~ seller. The  
25 application must contain, in addition to ~~such~~ ANY other information  
26 regarding the conduct of the ~~manufactured home~~ seller's business ~~as~~ THAT  
27 the division may reasonably require, the name, address, E-MAIL ADDRESS,

1 and position of each principal of the ~~manufactured home~~ seller and each  
2 person who exercises management responsibilities as part of the  
3 ~~manufactured home~~ seller's business activities. The application must also  
4 contain the address, E-MAIL ADDRESS, and telephone number of each retail  
5 location operated by the applicant, as well as the location and account  
6 number of the separate fiduciary account required by section 24-32-3324  
7 (1) and any board rules. The division must preserve the application and  
8 declaration and make them available for public inspection.

9 (3) (a) THE DIVISION SHALL REGISTER AN APPLICANT THAT  
10 COMPLIES WITH SUBSECTION (2) OF THIS SECTION AND THAT IS QUALIFIED  
11 IN ACCORDANCE WITH THIS SECTION AND THE RULES PROMULGATED  
12 UNDER THIS SECTION.

13 (b) A registration issued ~~pursuant to subsection (2)~~ UNDER  
14 SUBSECTION (3)(a) of this section is valid for ~~one year~~ TWELVE MONTHS  
15 after the date of issuance. The ~~amount of the~~ DIVISION SHALL NOT SET THE  
16 registration fee ~~cannot be~~ AT AN AMOUNT OF more than two hundred  
17 dollars.

18 (c) If, after ~~issuance of a registration~~ REGISTERING A SELLER, any  
19 of the required information submitted with the application for the  
20 registration ~~pursuant to subsection (2) of this section~~ becomes inaccurate,  
21 a principal of the ~~manufactured home~~ seller ~~must~~ SHALL notify the  
22 division in writing of the inaccuracy within thirty days and provide the  
23 division with accurate updated information.

24 (4) For purposes of this section, a person is not a seller if the  
25 person:

26 (a) Is a natural person acting personally in selling a manufactured  
27 home owned or leased by the person OR A TINY HOME OWNED OR LEASED

1 BY THE PERSON;

2 (b) Sells a manufactured home OR A TINY HOME in the course of  
3 engaging in activities that are subject to ~~the provisions of article 10 of~~  
4 ~~title 12 or activities that would be subject to the provisions but for a~~  
5 ~~specific exemption set forth in article 10 of title 12~~ OR AN EXEMPTION SET  
6 FORTH IN ARTICLE 10 OF TITLE 12;

7 (c) Sells a manufactured home OR A TINY HOME for salvage or  
8 nonresidential use;

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

13 (e) For a salary, commission, or compensation of any kind, is  
14 employed directly or indirectly by any registered ~~manufactured home~~  
15 seller to sell or negotiate for the sale of manufactured homes OR TINY  
16 HOMES.

17 **SECTION 19.** In Colorado Revised Statutes, 24-32-3324, **amend**  
18 (2) as follows:

19 **24-32-3324. Escrow and bonding requirements - rules.**

20 (2) (a) A seller must provide a letter of credit OR certificate of deposit  
21 issued by a licensed financial institution or surety bond issued by an  
22 authorized insurer in an amount and IN ACCORDANCE WITH THE process  
23 established by the board ~~through rulemaking~~ BY RULE.

24 (b) A financial institution or authorized insurer is required to  
25 make payment to the division ~~making~~ WHEN THE DIVISION MAKES a claim  
26 against the letter of credit, certificate of deposit, or surety bond:

27 (I) If a court of competent jurisdiction has rendered a final

1 judgment in favor of the division based on a finding that the registered  
2 seller failed to:

3 (A) Deliver the manufactured home OR TINY HOME or refund  
4 payments made toward the purchase of the manufactured home pursuant  
5 to OR OF THE TINY HOME AS REQUIRED BY this part 33 or board rules; or

6 (B) Provide a reasonable per diem living expense in violation of  
7 the contractual provisions required by section 24-32-3325; or

8 ~~(II) Upon a ceasing of business operations or a bankruptcy filing~~  
9 ~~by the registered seller~~ IF THE REGISTERED SELLER CEASES BUSINESS  
10 OPERATIONS OR FILES FOR BANKRUPTCY.

11 (c) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF  
12 any seller ~~who~~ THAT fails to provide a letter of credit, certificate of  
13 deposit, or surety bond as required by this subsection (2) or ~~who~~ THAT  
14 otherwise fails to pay any judgment by a court of competent jurisdiction  
15 in favor of the division. ~~is subject to the suspension or revocation of the~~  
16 ~~registration by the division.~~

17 **SECTION 20.** In Colorado Revised Statutes, 24-32-3325, **amend**  
18 (1) introductory portion, (1)(a), (1)(c), (1)(d), and (2) as follows:

19 **24-32-3325. Contract for sale of manufactured home or tiny**  
20 **home - requirements.** (1) A seller must provide a contract with the sale  
21 of each manufactured home OR TINY HOME and make the following  
22 disclosures in any contract for the sale of a manufactured home OR TINY  
23 HOME:

24 (a) That the purchaser may have no legal right to rescind the  
25 contract absent delinquent delivery ~~of the manufactured home~~ or the  
26 existence of a specific right of rescission set forth in the contract;

27 (c) That an aggrieved person may file a complaint WITH THE

1 DIVISION AGAINST THE SELLER for a refund of any payment held in escrow  
2 by a seller; ~~of manufactured homes against the seller with the division;~~  
3 and

4 (d) That an aggrieved person may bring a civil action pursuant to  
5 ~~the provisions of~~ the "Colorado Consumer Protection Act", section  
6 6-1-709, to remedy violations of ~~manufactured home~~ seller requirements  
7 in this part 33. However, damages are limited in accordance with ~~the~~  
8 ~~provisions of~~ section 6-1-113 (2.5).

9 (2) A contract for the sale of a manufactured home OR TINY HOME  
10 by a seller must also contain the following provisions:

11 (a) EITHER:

12 (I) A date certain for the delivery of the manufactured home OR  
13 TINY HOME; or

14 (II) A listing of specified delivery preconditions that must occur  
15 before a date certain for delivery can be determined;

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

27 (c) An agreed upon location for delivery of the manufactured

1 home OR TINY HOME to the purchaser.

2 **SECTION 21.** In Colorado Revised Statutes, 24-32-3326, **amend**  
3 (1) introductory portion, (1)(b), (1)(c), and (2) as follows:

4 **24-32-3326. Unlawful sales practices - manufactured homes**  
5 **and tiny homes - fines.** (1) A seller engages in an unlawful  
6 manufactured home ~~sale~~ OR TINY HOME SALES practice when the person:

7 (b) Fails to comply with the escrow and bonding requirements of  
8 ~~sections 24-32-3323 (2.5) and 24-32-3324~~, SECTION 24-32-3324 or board  
9 rules;

10 (c) Fails to provide and include in any contract for the sale of a  
11 manufactured home OR TINY HOME any of the disclosures or contract  
12 provisions required by section 24-32-3325; or

13 (2) ~~Any~~ A person ~~found to be selling or have sold~~ THAT SELLS a  
14 manufactured home OR TINY HOME in a manner contrary to ~~the~~  
15 ~~requirements of this part 33~~ OR RULES ADOPTED UNDER THIS PART 33 is  
16 subject to revocation or suspension of a seller's registration, fines, or any  
17 other measures as prescribed by ~~rule promulgated by~~ RULES THAT the  
18 division PROMULGATES or BY other applicable Colorado law. The division  
19 may issue a fine of up to ten thousand dollars for each violation. Multiple  
20 violations of this part 33 OR RULES ADOPTED UNDER THIS PART 33 THAT  
21 ARE committed during a single sale constitute one violation. Each sale  
22 performed in violation of this part 33 OR RULES ADOPTED UNDER THIS  
23 PART 33 constitutes a separate violation. Fines must be paid to the  
24 division and transmitted to the state treasurer, who must credit the ~~fees~~  
25 FINES to the building regulation fund created in section 24-32-3309.

26 **SECTION 22.** In Colorado Revised Statutes, 24-32-3327, **amend**  
27 (1) as follows:



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

5           (a) To enter at reasonable times and without advance notice any  
6 factory, warehouse, or establishment in which manufactured homes, TINY  
7 HOMES, or factory-built structures are manufactured, stored, or held for  
8 sale;

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

16           (c) To enter and inspect, at reasonable times and without advance  
17 notice, any site on which A manufactured housing HOME OR A TINY HOME  
18 is BEING or has been installed or reinstalled at or near the time of  
19 installation or reinstallation; and

20           (d) To inspect any books, papers, records, and documents that  
21 relate to the proper installation of A manufactured housing HOME OR A  
22 TINY HOME.

23           **SECTION 23.** In Colorado Revised Statutes, **add** 24-32-3328 and  
24 24-32-3329 as follows:

25           **24-32-3328. Tiny homes - standards - rules.** (1) **BY JULY 1,**  
26 **2023, THE BOARD SHALL PROMULGATE RULES ESTABLISHING STANDARDS**  
27 **FOR THE MANUFACTURE OF TINY HOMES. THE BOARD MAY USE ANY**

1 NATIONAL OR INTERNATIONAL STANDARD THAT IS APPROPRIATE FOR ALL  
2 OR A PORTION OF A TINY HOME IF THE BOARD FINDS THAT THE STANDARD  
3 PROVIDES FOR REASONABLE SAFETY STANDARDS FOR TINY HOME  
4 OCCUPANTS. THE BOARD MAY MODIFY, BY RULE, ANY NATIONAL OR  
5 INTERNATIONAL STANDARD ADOPTED UNDER THIS SUBSECTION (1) AS  
6 NECESSARY FOR USE IN COLORADO.

7 (2) THE BOARD SHALL ESTABLISH STANDARDS FOR CONNECTING  
8 A TINY HOME TO UTILITIES, INCLUDING WATER, SEWER, NATURAL GAS, AND  
9 ELECTRICITY.

10 (3) IN PROMULGATING RULES UNDER THIS SECTION, THE BOARD  
11 SHALL CONSIDER:

12 (a) THE IMPORTANCE OF KEEPING TINY HOMES AFFORDABLE;

13 (b) THE UNIQUE CHARACTERISTICS OF TINY HOMES SUCH AS SIZE  
14 CONSTRAINTS AND CONSTRUCTION ON A CHASSIS SO THAT THEY CAN BE  
15 MOVED FROM SITE TO SITE;

16 (c) THAT MANY TINY HOMES ARE BUILT BY SHOPS PRODUCING  
17 FEWER THAN TWENTY UNITS PER YEAR;

18 (d) THAT MANY TINY HOMES ARE CUSTOM-BUILT RATHER THAN  
19 MASS-PRODUCED MODELS, AND

20 (e) THAT MANY TINY HOMES ARE BUILT BY THEIR OWNERS RATHER  
21 THAN BY COMMERCIAL SHOPS.

22 **24-32-3329. Local governments inspections of tiny homes -**  
23 **connection to utilities - rules.** (1) A STATE ELECTRICAL INSPECTOR OR  
24 A LOCAL GOVERNMENT MAY APPROVE THE CONNECTION OF A TINY HOME  
25 FOR ELECTRIC UTILITY SERVICE IF THE TINY HOME IS IN COMPLIANCE WITH  
26 APPLICABLE CODES AND STANDARDS FOR CONNECTION FOR ELECTRIC  
27 UTILITY SERVICE.

1           (2) A STATE PLUMBING INSPECTOR OR A LOCAL GOVERNMENT MAY  
2 APPROVE THE CONNECTION OF A TINY HOME FOR WATER, GAS, OR SEWER  
3 UTILITY SERVICE IF THE TINY HOME IS IN COMPLIANCE WITH APPLICABLE  
4 CODES AND STANDARDS FOR CONNECTION FOR WATER, GAS, OR SEWER  
5 UTILITY SERVICE.

6           **SECTION 24.** In Colorado Revised Statutes, **amend 24-32-904.5**  
7 as follows:

8           **24-32-904.5. Compliance with national standards -**  
9 **recreational park trailers - recreational vehicles.** (1) ~~No~~ A person,  
10 partnership, firm, corporation, or any other entity ~~may~~ SHALL NOT  
11 manufacture, sell, or offer for sale within this state:

12           (a) Any new recreational vehicle that is not manufactured in  
13 compliance with the ~~American national standards institute's (ANSI's)~~  
14 ~~standard A 119.2~~ NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD  
15 1192 for recreational vehicles or any SUCCESSOR STANDARD OR  
16 amendment; ~~thereto~~; or

17           (b) Any new recreational park trailer that is not manufactured in  
18 compliance with the American national standards institute's (ANSI's)  
19 standard A 119.5 for recreational park trailers, OR ANY SUCCESSOR  
20 STANDARD OR AMENDMENT.

21           **SECTION 25.** In Colorado Revised Statutes, 6-1-105, **amend**  
22 (1)(ss) as follows:

23           **6-1-105. Unfair or deceptive trade practices.** (1) A person  
24 engages in a deceptive trade practice when, in the course of the person's  
25 business, vocation, or occupation, the person:

26           (ss) Violates any provision of part 33 of article 32 of title 24  
27 ~~C.R.S.~~, that applies to the installation of manufactured homes OR TINY

1 HOMES;

2 **SECTION 26.** In Colorado Revised Statutes, **amend** 6-1-709 as  
3 follows:

4 **6-1-709. Sales of manufactured and tiny homes - deceptive**  
5 **trade practices.** A person engages in a deceptive trade practice when, in  
6 the course of ~~such~~ THE person's business, vocation, or occupation, ~~such~~  
7 THE person engages in conduct that constitutes an unlawful manufactured  
8 home ~~sale practice as~~ SALES PRACTICE OR AN UNLAWFUL TINY HOME  
9 SALES PRACTICE, AS EITHER SALES PRACTICE IS described in section  
10 24-32-3326. ~~C.R.S.~~

11 **SECTION 27.** In Colorado Revised Statutes, 12-115-103, **add**  
12 (13) as follows:

13 **12-115-103. Definitions.** As used in this article 115, unless the  
14 context otherwise requires:

15 (13) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION  
16 24-32-3302 (35).

17 **SECTION 28.** In Colorado Revised Statutes, 12-115-120, **amend**  
18 (1)(c), (2)(a), (2)(c), and (10)(d) as follows:

19 **12-115-120. Inspection - application - standard - rules.**

20 (1) (c) A utility shall not provide service to any person required to have  
21 electrical inspection under this article 115 without proof of final approval  
22 as provided in subsection (1)(b) of this section; except that THE UTILITY  
23 SHALL PROVIDE service:

24 (I) ~~shall be provided~~ In those situations determined by the local  
25 electrical inspection authority, or by the board, whichever has jurisdiction,  
26 to be emergency situations for a maximum period of seven days or until  
27 the inspection has been made; OR

1 (II) IF THE BOARD OR LOCAL ELECTRICAL INSPECTION AUTHORITY  
2 HAS APPROVED A TINY HOME CONNECTION FOR ELECTRIC UTILITY SERVICE  
3 IN ACCORDANCE WITH SECTION 24-32-3329.

4 (2) (a) The owner of an electrical installation in any new  
5 construction, other than manufactured units certified by the division of  
6 housing pursuant to section 24-32-3311 OR A TINY HOME MANUFACTURED  
7 TO THE STANDARDS OF SECTION 24-32-3328 (1), or remodeling or repair  
8 of an existing construction, except in any incorporated town or city,  
9 county, city and county, or qualified state institution of higher education  
10 having its own electrical code and inspection program equal to the  
11 minimum standards as are provided in this article 115, shall have the  
12 electrical portion of the installation, remodeling, or repair inspected by a  
13 state electrical inspector. A qualified state institution of higher education  
14 with a building department that meets or exceeds the minimum standards  
15 adopted by the board under this article 115 shall process applications for  
16 permits and inspections only from the institution and from contractors  
17 working for the benefit of the institution and shall conduct inspections  
18 only of work performed for the benefit of the institution.

19 (c) A manufactured home, mobile home, TINY HOME, or movable  
20 structure owner shall have the electrical installation for the manufactured  
21 home, mobile home, TINY HOME, or movable structure inspected prior to  
22 obtaining electric service. AN INSPECTION OF A TINY HOME PERFORMED IN  
23 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION  
24 (2)(c).

25 (10) (d) (I) The board shall ensure compliance with this section.  
26 If the board determines, as a result of a complaint, that an entity other  
27 than the state is conducting electrical inspections that do not comply with

1 this section, the board may issue to that entity an order to show cause, in  
2 accordance with sections 12-20-405 and 12-115-122 (6), as to why the  
3 board should not issue a final order directing that entity to cease and  
4 desist conducting electrical inspections until that entity comes into  
5 compliance to the satisfaction of the board.

6 (II) THE BOARD SHALL NOT ISSUE A CEASE-AND-DESIST ORDER TO  
7 AN INSPECTING ENTITY BECAUSE THE INSPECTING ENTITY APPROVED THE  
8 OCCUPANCY OF ONE OR MORE TINY HOMES IF THE TINY HOMES HAVE BEEN  
9 APPROVED IN ACCORDANCE WITH SECTION 24-32-3329.

10 (III) If the use of state electrical inspectors is required after the  
11 issuance of a final cease-and-desist order pursuant to this subsection  
12 (10)(d), that entity shall reimburse the board for any expenses incurred in  
13 performing that entity's inspections, in addition to transmitting the  
14 required permit fees.

15 **SECTION 29.** In Colorado Revised Statutes, 12-155-103, **add**  
16 (13.5) as follows:

17 **12-155-103. Definitions.** As used in this article 155, unless the  
18 context otherwise requires:

19 (13.5) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION  
20 24-32-3302 (35).

21 **SECTION 30.** In Colorado Revised Statutes, 12-155-105, **amend**  
22 (2) introductory portion as follows:

23 **12-155-105. Powers of board - fees - rules.** (2) Notwithstanding  
24 any other provisions to the contrary, the board may, with regard to  
25 manufactured housing that is subject to ~~part 7~~ of article 32 of title 24:

26 **SECTION 31.** In Colorado Revised Statutes, 12-155-118, **amend**  
27 (3) as follows:

1           **12-155-118. Exemptions.** (3) Nothing in this article 155 shall be  
2 construed to apply to the manufacture of housing that is subject to the  
3 provisions of ~~part 7 of~~ article 32 of title 24 or the installation of individual  
4 residential or temporary construction units of manufactured housing water  
5 and sewer hookups inspected pursuant to ~~section 12-155-105~~ SECTION  
6 12-155-105 (2).

7           **SECTION 32.** In Colorado Revised Statutes, 12-155-120, **amend**  
8 (1) and (10)(c) as follows:

9           **12-155-120. Inspection - application - standards.** (1) (a) Any  
10 plumbing or gas piping installation in any new construction or remodeling  
11 or repair, other than manufactured units OR TINY HOMES inspected in  
12 accordance with ~~the provisions of part 7 of~~ article 32 of title 24, except  
13 for the new construction or remodeling or repair in any incorporated town  
14 or city, county, or city and county, or in a building owned or leased or on  
15 land owned by a qualified state institution of higher education where the  
16 local entity or qualified state institution of higher education conducts  
17 inspections and issues permits, must be inspected by a state plumbing  
18 inspector.

19           (b) A state plumbing inspector shall inspect any new construction,  
20 remodeling, or repair subject to ~~the provisions of~~ this subsection (1)  
21 within three working days after the receipt of the application for  
22 inspection.

23           (c) Prior to the commencement of any plumbing or gas piping  
24 installation, the person making the installation shall apply for a permit  
25 and pay the required fee.

26           (d) Every mobile home, TINY HOME, or movable structure owner  
27 shall have the plumbing and gas piping hookup for the mobile home, TINY

1 HOME, or movable structure inspected prior to obtaining new or different  
2 plumbing or gas service. AN INSPECTION OF A TINY HOME PERFORMED IN  
3 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION  
4 (1)(d).

5 (e) A qualified state institution of higher education with a building  
6 department that meets or exceeds the minimum standards adopted by the  
7 board under this article 155 shall process applications for permits and  
8 inspections only from the institution and from contractors working for the  
9 benefit of the institution, and shall conduct inspections only of work  
10 performed for the benefit of the institution. Each inspection must include  
11 a contemporaneous review to ensure that the requirements of section  
12 12-155-108 have been met. A qualified state institution of higher  
13 education shall enforce standards that are at least as stringent as any  
14 minimum standards adopted by the board.

15 (10) (c) (I) The board shall ensure compliance with this section.  
16 If the board determines, as a result of a formal complaint, that an  
17 inspecting entity is conducting plumbing inspections that do not comply  
18 with this section, the board may issue to the inspecting entity an order to  
19 show cause, in accordance with section 12-155-105 (1)(m), as to why the  
20 board should not issue a final order directing the inspecting entity to cease  
21 and desist conducting plumbing inspections until the inspecting entity  
22 comes into compliance to the satisfaction of the board.

23 (II) THE BOARD SHALL NOT ISSUE A CEASE-AND-DESIST ORDER TO  
24 AN INSPECTING ENTITY BECAUSE THE INSPECTING ENTITY APPROVED THE  
25 OCCUPANCY OF ONE OR MORE TINY HOMES IF THE TINY HOMES HAVE BEEN  
26 APPROVED IN ACCORDANCE WITH SECTION 24-32-3329.

27 (III) If the use of state plumbing inspectors is required after the



1 issuance of a final cease-and-desist order pursuant to this subsection  
2 (10)(c), the inspecting entity shall reimburse the board for any expenses  
3 incurred in performing the inspecting entity's inspections, in addition to  
4 transmitting the required permit fees.

5 **SECTION 33.** In Colorado Revised Statutes, 38-12-201.5,  
6 **amend** (5) as follows:

7 **38-12-201.5. Definitions.** As used in this part 2 and in part 11 of  
8 this article 12, unless the context otherwise requires:

9 (5) "Mobile home" means:

10 (a) A single-family dwelling that is built on a permanent chassis;  
11 is designed for long-term residential occupancy; contains complete  
12 electrical, plumbing, and sanitary facilities; is designed to be installed in  
13 a permanent or semipermanent manner with or without a permanent  
14 foundation; and is capable of being drawn over public highways as a unit  
15 or in sections by special permit; ~~or~~

16 (b) A manufactured home, as defined in section 38-29-102 (6), if  
17 the manufactured home is situated in a mobile home park; OR

18 (c) A TINY HOME, AS DEFINED IN SECTION 24-32-3302 (35), THAT  
19 IS USED AS A LONG-TERM RESIDENCE IN THE MOBILE HOME PARK.

20 **SECTION 34.** In Colorado Revised Statutes, 39-1-102, **amend**  
21 (14.3); and **add** (16.3) as follows:

22 **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,  
23 unless the context otherwise requires:

24 (14.3) "Residential improvements" means a building, or that  
25 portion of a building, designed for use predominantly as a place of  
26 residency by a person, a family, or families. The term includes buildings,  
27 structures, fixtures, fences, amenities, and water rights that are an integral

1 part of the residential use. The term also includes a manufactured home,  
2 as defined in subsection (7.8) of this section, a mobile home, as defined  
3 in subsection (8) of this section, and a modular home, as defined in  
4 subsection (8.3) of this section AND A TINY HOME.

5 (16.3) "TINY HOME" MEANS A TINY HOME, AS DEFINED IN SECTION  
6 24-32-3302 (35), THAT IS CERTIFIED BY THE DIVISION OF HOUSING IN THE  
7 DEPARTMENT OF LOCAL AFFAIRS TO BE DESIGNED FOR LONG-TERM  
8 RESIDENCY AND THAT IS NOT REGISTERED IN ACCORDANCE WITH ARTICLE  
9 3 OF TITLE 42.

10 **SECTION 35.** In Colorado Revised Statutes, 39-26-721, **amend**  
11 (3) as follows:

12 **39-26-721. Manufactured homes and tiny homes.**

13 (3) ~~Beginning July 1, 2019,~~ The sale, storage, usage, or consumption of  
14 a manufactured home, as defined in section 39-1-102 (7.8), OR A TINY  
15 HOME, AS DEFINED IN SECTION 24-32-3302 (35), is exempt from taxation  
16 under parts 1 and 2 of this article 26.

17 **SECTION 36.** In Colorado Revised Statutes, 29-2-105, **amend**  
18 (1)(d)(I) introductory portion and (1)(d)(I)(P) as follows:

19 **29-2-105. Contents of sales tax ordinances and proposals.**

20 (1) The sales tax ordinance or proposal of any incorporated town, city,  
21 or county adopted pursuant to this article 2 shall be imposed on the sale  
22 of tangible personal property at retail or the furnishing of services, as  
23 provided in subsection (1)(d) of this section. Any countywide or  
24 incorporated town or city sales tax ordinance or proposal shall include the  
25 following provisions:

26 (d) (I) A provision that the sale of tangible personal property and  
27 services taxable pursuant to this article 2 ~~shall be~~ IS the same as the sale

1 of tangible personal property and services taxable pursuant to section  
2 39-26-104, except as otherwise provided in this subsection (1)(d). The  
3 sale of tangible personal property and services taxable pursuant to this  
4 article 2 shall be IS subject to the same sales tax exemptions as those  
5 specified in part 7 of article 26 of title 39; except that the sale of the  
6 following may be exempted from a town, city, or county sales tax only by  
7 the express inclusion of the exemption either at the time of adoption of  
8 the initial sales tax ordinance or resolution or by amendment thereto:

9 (P) The exemption for manufactured homes AND TINY HOMES set  
10 forth in section 39-26-721 (3).

11 **SECTION 37. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
13 the expiration of the ninety-day period after final adjournment of the  
14 general assembly; except that, if a referendum petition is filed pursuant  
15 to section 1 (3) of article V of the state constitution against this act or an  
16 item, section, or part of this act within such period, then the act, item,  
17 section, or part will not take effect unless approved by the people at the  
18 general election to be held in November 2022 and, in such case, will take  
19 effect on the date of the official declaration of the vote thereon by the  
20 governor.

21 (2) This act applies to acts committed on or after the applicable  
22 effective date of this act.