

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

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, AND, IN CONNECTION**
104 **THEREWITH, MAKING AN APPROPRIATION.**

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,

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.

HOUSE
Amended 2nd Reading
April 26, 2022

and the registration, escrow, reimbursement, bonding, and inspections of the manufacturers, installers, and sellers. In addition, the state housing 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.

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

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

27 (2) The general assembly further declares that in enacting this part

1 33, it is the intent of the general assembly that the division establish,
2 through the board, rules as it deems necessary to ensure:

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

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

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

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

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

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

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

27 (3) "Certificate of installation" means a certificate issued by the

1 division for an installation ~~of a manufactured home~~ that ~~meets the~~
2 ~~requirements of~~ COMPLIES WITH this part 33 AND RULES THAT THE BOARD
3 ADOPTS UNDER THIS PART 33.

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

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

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

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

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

18 (a) A factory-built nonresidential ~~and~~ STRUCTURE;
19 (b) A factory-built residential ~~buildings~~ STRUCTURE; AND
20 (c) A FACTORY-BUILT TINY HOME.

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

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

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

7 (a) ~~INCLUDES~~ INCLUDES electrical, mechanical, or plumbing services
8 that are fabricated, formed, or assembled at a location other than the site
9 of the completed home;

10 (d) Does not have motor power IS NOT SELF-PROPELLED; and

(24.5) "MOBILE HOME PARK" HAS THE MEANING SET FORTH IN SECTION 38-12-201.5 (6).

13 (26) "Owner" means the owner of a manufactured home OR TINY
14 HOME.

15 (26.5) "PERMANENT FOUNDATION" MEANS A STRUCTURE THAT IS
16 DESIGNED OR INTENDED TO:

17 (a) SUPPORT A BUILDING FROM UNDERNEATH;

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

19 (c) PREVENT THE BUILDING FROM MOVING; AND

20 (d) NOT BE REMOVED FROM THE GROUND OR BUILDING.

21 (29) "Purchaser" means ~~the first~~ A person purch

22 manufactured home OR TINY HOME IF EITHER IS PURCHASED in good faith
23 for purposes other than resale.

24 (30) "Quality assurance representative" means any state, firm,
25 corporation, or other entity that proposes to conduct production reviews,
26 evaluate a manufacturer's quality control procedures, and perform design
27 evaluations. ~~for factory-built structures.~~

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

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

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

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

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

15 (III) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES

16 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER

17 THAN THE SITE OF THE COMPLETED HOME;

18 (IV) IS NOT SELF-PROPELLED; AND

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

20 SQUARE FEET.

(V) AN INTERMODAL SHIPPING CONTAINER.

SECTION 3. In Colorado Revised Statutes, 24-32-3303, amend

(1)(e), (1)(f), and (1)(g); and **add** (1)(h) as follows:

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

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

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

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

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

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

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

25 (1) The board has the following powers and duties pursuant to this part
26 33:

(d) To promulgate rules establishing standards for the installation

1 and setup of manufactured housing units; ~~and~~

2 (f) TO PROMULGATE RULES ESTABLISHING STANDARDS FOR TINY

3 HOMES THAT COVER THE MANUFACTURE OF, ASSEMBLY OF, AND

4 INSTALLATION OF TINY HOMES; AND

5 (g) TO PROMULGATE UNIFORM FOUNDATION CONSTRUCTION

6 STANDARDS FOR ~~MANUFACTURED HOMES, FACTORY-BUILT STRUCTURES,~~

7 OR TINY HOMES IN THOSE AREAS OF THE STATE WHERE NO STANDARDS

8 EXIST.

9 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**

10 (1) introductory portion, (1)(b), (1)(c), (2), and (3); and **add** (1)(e) and

11 (1)(f) as follows:

12 **24-32-3305. Rules - advisory committee - enforcement.** (1) The

13 board ~~must~~ SHALL promulgate rules as it deems necessary to ensure:

14 (b) The safety of consumers purchasing manufactured homes OR

15 TINY HOMES;

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

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

18 24-32-3329; AND

19 (f) THE SAFETY OF FOUNDATION SYSTEMS FOR MANUFACTURED

20 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES IN AREAS OF THE

21 STATE WHERE NO CONSTRUCTION STANDARDS FOR MANUFACTURED

22 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES EXIST.

23 (2) Rules promulgated by the board must include provisions

24 imposing requirements reasonably consistent with recognized and

25 accepted standards adopted by THE ASTM INTERNATIONAL, the

26 International Code Council, the National Fire Protection Association, and

27 the Colorado state plumbing and electrical codes, or a combination

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

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

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

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

23 **SECTION 6.** In Colorado Revised Statutes, 24-32-3306, **amend**

24 (1) as follows:

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

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

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

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

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

17 (II) A TINY HOME BY FILING AN AFFIDAVIT SPECIFYING THE
18 MANNER IN WHICH THE TINY HOME DOES NOT CONFORM TO THIS PART 33
19 OR TO RULES PROMULGATED UNDER SECTION 24-32-3305 (1)(e) OR
20 24-32-3328.

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

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

25 **24-32-3309. Fees - building regulation fund - rules.**

26 (1) (a) (I) The board, by rule, ~~must~~ SHALL establish a schedule of fees
27 designed to pay all direct and indirect costs incurred by the division in

1 carrying out and enforcing ~~the provisions of~~ this part 33; except that the
2 amount of the registration fee for installers ~~of manufactured homes~~ is
3 LIMITED TO the amount specified in section 24-32-3315 (5) and the
4 amount of the registration fee for sellers ~~of manufactured homes~~ is
5 LIMITED TO the amount specified in section 24-32-3323 (3).

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

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

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

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

27 (2) In addition to being used to offset the costs of implementing

1 and administering this part 33 as specified in subsection (1) of this
2 section, money in the fund may be expended:

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

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

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

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

21 **24-32-3311. Certification of factory-built structures - rules.**

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

27 (I) COMPLY WITH ESCROW REQUIREMENTS OF DOWN PAYMENTS AS

1 ESTABLISHED BY THE BOARD BY RULE; AND

2 (II) PROVIDE A LETTER OF CREDIT, CERTIFICATE OF DEPOSIT ISSUED

3 BY A LICENSED FINANCIAL INSTITUTION, OR SURETY BOND ISSUED BY AN

4 AUTHORIZED INSURER IN AN AMOUNT AND PROCESS ESTABLISHED BY THE

5 BOARD BY RULE. A FINANCIAL INSTITUTION OR AUTHORIZED INSURER

6 SHALL PAY THE DIVISION THE LETTER OF CREDIT, CERTIFICATE OF DEPOSIT,

7 OR SURETY BOND IF A COURT OF COMPETENT JURISDICTION HAS RENDERED

8 A FINAL JUDGMENT IN FAVOR OF THE DIVISION BASED ON A FINDING THAT:

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

10 STRUCTURE;

11 (B) THE MANUFACTURER FAILED TO REFUND A DOWN PAYMENT

12 MADE TOWARD THE PURCHASE OF THE FACTORY-BUILT STRUCTURE; OR

13 (C) THE MANUFACTURER CEASED DOING BUSINESS OPERATIONS OR

14 FILED FOR BANKRUPTCY.

15 (a.7) (I) The division ~~must~~ SHALL conduct a full design and plan

16 review and inspection of the construction of factory-built structures to the

17 extent the design and construction relates to work performed off site or

18 work that is completed ~~onsite using components shipped with the~~

19 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the

20 approved plans for the factory-built structure. A local government ~~may~~

21 SHALL not duplicate efforts to review or approve the construction of a

22 factory-built structure that is under review or approved by the division nor

23 ~~may~~ SHALL it charge building permit fees to cover the cost of plan

24 reviews or inspections performed by the division. A local government's

25 jurisdiction is limited to work done ~~onsite~~ AT THE INSTALLATION SITE in

26 compliance with ~~section 24-32-3311(6)~~ SUBSECTION (6) OF THIS SECTION

27 and includes associated plan review, permits, inspections, and fees.

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

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

26 (6) All work at ~~a~~ THE INSTALLATION site that is unrelated to the
27 installation of a factory-built structure or ~~components shipped with~~

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

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

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

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

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

1 HOMEOWNER'S lifetime.

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

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

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

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

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

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

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

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

14 **SECTION 14.** In Colorado Revised Statutes, 24-32-3317, amend
15 (1), (2), (2.3), (2.9), (3)(a) introductory portion, (3)(a)(II) introductory
16 portion, (3)(a)(II)(C), (3)(b), (4), (5)(a) introductory portion, (5)(b), (6),
17 (7), (8), (9), (10) introductory portion, and (10)(e) as follows:

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

1 manufactured home OR TINY HOME.

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

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

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

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

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

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

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

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

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

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

26 (b) If a vacant manufactured home OR TINY HOME fails an
27 installation inspection because of conditions that endanger the health or

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

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

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

1 or subsequent repairs deemed necessary by the division or the
2 independent contractor ~~shall result~~ RESULTS in the forfeiture of the
3 installer's performance bond on behalf of the owner. ~~of the manufactured~~
4 ~~home.~~

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

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

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

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

27 (9) If an installation or subsequent repair of an installation ~~by an~~

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

11 (10) The board ~~must~~ SHALL adopt rules concerning:
12 (e) Any other ~~rule~~ MATTER necessary for the implementation of
13 ~~manufactured home~~ THE installation requirements in this part 33.

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

16 **24-32-3318. Local installation standards preempted.**
17 (1) EXCEPT AS AUTHORIZED IN SECTION 24-32-3329, a local government
18 ~~may~~ SHALL not adopt less stringent standards for ~~the~~ AN installation ~~of a~~
19 ~~manufactured home~~ than those promulgated by the division. A local
20 government ~~may~~ SHALL not, without express consent by the division,
21 adopt different standards than the standards for ~~the~~ AN installation ~~of a~~
22 ~~manufactured home~~ promulgated by the division.

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

1 permitted by law.

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

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

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

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

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

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

1 administer this part 33.

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

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

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

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

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

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

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

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

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

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

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

27 (a) Is a natural person acting personally in selling a manufactured

1 home owned or leased by the person OR A TINY HOME OWNED OR LEASED
2 BY THE PERSON;

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

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

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

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

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

20 **24-32-3324. Escrow and bonding requirements - rules.**

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

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

1 (I) If a court of competent jurisdiction has rendered a final
2 judgment in favor of the division based on a finding that the registered
3 seller failed to:

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

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

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

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

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

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

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

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

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

12 (a) EITHER:

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

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

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

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

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

27 SECTION 22. In Colorado Revised Statutes, 24-32-3327, amend

1 (1) as follows:

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

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

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

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

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

24 **SECTION 23.** In Colorado Revised Statutes, **add** 24-32-3328 and
25 24-32-3329 as follows:

26 **24-32-3328. Tiny homes - standards - rules.** (1) **BY JULY 1,**
27 **2023, THE BOARD SHALL PROMULGATE RULES ESTABLISHING STANDARDS**

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

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

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

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

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

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

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

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

1 UTILITY SERVICE.

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

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

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

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

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

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

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

27 (ss) Violates any provision of part 33 of article 32 of title 24

1 C.R.S., that applies to the installation of manufactured homes OR TINY
2 HOMES;

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

5 **6-1-709. Sales of manufactured and tiny homes - deceptive**
6 **trade practices.** A person engages in a deceptive trade practice when, in
7 the course of ~~such~~ THE person's business, vocation, or occupation, ~~such~~
8 THE person engages in conduct that constitutes an unlawful manufactured
9 home ~~sale practice as~~ SALES PRACTICE OR AN UNLAWFUL TINY HOME
10 SALES PRACTICE, AS EITHER SALES PRACTICE IS described in section
11 24-32-3326. C.R.S.

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

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

16 (13) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
17 24-32-3302 (35).

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

20 **12-115-120. Inspection - application - standard - rules.**

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

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

1 the inspection has been made; OR

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

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

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

26 (10) (d) (I) The board shall ensure compliance with this section.
27 If the board determines, as a result of a complaint, that an entity other

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

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

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

16 **SECTION 29.** In Colorado Revised Statutes, 12-155-103, **add**
17 (13.5) as follows:

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

20 (13.5) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
21 24-32-3302 (35).

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

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

27 **SECTION 31.** In Colorado Revised Statutes, 12-155-118, **amend**

1 (3) as follows:

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

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

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

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

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

27 (d) Every mobile home, TINY HOME, or movable structure owner

1 shall have the plumbing and gas piping hookup for the mobile home, TINY
2 HOME, or movable structure inspected prior to obtaining new or different
3 plumbing or gas service. AN INSPECTION OF A TINY HOME PERFORMED IN
4 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION
5 (1)(d).

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

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

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

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

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

10 (5) "Mobile home" means:

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

21 **SECTION 34.** In Colorado Revised Statutes, 39-1-102, **amend**
22 (14.3); and **add** (16.3) as follows:

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

25 (14.3) "Residential improvements" means a building, or that
26 portion of a building, designed for use predominantly as a place of
27 residency by a person, a family, or families. The term includes buildings.

1 structures, fixtures, fences, amenities, and water rights that are an integral
2 part of the residential use. The term also includes a manufactured home,
3 ~~as defined in subsection (7.8) of this section~~, a mobile home, ~~as defined~~
4 ~~in subsection (8) of this section~~, and a modular home, ~~as defined in~~
5 ~~subsection (8.3) of this section~~ AND A TINY HOME.

6 (16.3) "TINY HOME" MEANS A TINY HOME, AS DEFINED IN SECTION
7 24-32-3302 (35), THAT IS CERTIFIED BY THE DIVISION OF HOUSING IN THE
8 DEPARTMENT OF LOCAL AFFAIRS TO BE DESIGNED FOR LONG-TERM
9 RESIDENCY AND THAT IS NOT REGISTERED IN ACCORDANCE WITH ARTICLE
10 3 OF TITLE 42.

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

13 **39-26-721. Manufactured homes and tiny homes.**
14 (3) ~~Beginning July 1, 2019;~~ The sale, storage, usage, or consumption of
15 a manufactured home, as defined in section 39-1-102 (7.8), OR A TINY
16 HOME, AS DEFINED IN SECTION 24-32-3302 (35), is exempt from taxation
17 under parts 1 and 2 of this article 26.

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

20 **29-2-105. Contents of sales tax ordinances and proposals.**
21 (1) The sales tax ordinance or proposal of any incorporated town, city,
22 or county adopted pursuant to this article 2 shall be imposed on the sale
23 of tangible personal property at retail or the furnishing of services, as
24 provided in subsection (1)(d) of this section. Any countywide or
25 incorporated town or city sales tax ordinance or proposal shall include the
26 following provisions:

27 (d) (I) A provision that the sale of tangible personal property and

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

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

12 **SECTION 37. Appropriation.** (1) For the 2022-23 state fiscal
13 year, \$227,612 is appropriated to the department of local affairs. This
14 appropriation is from the general fund. To implement this act, the
15 department may use this appropriation as follows:

16 (a) \$127,071 for use by the division of housing for manufactured
17 buildings program, which amount is based on an assumption that the
18 division will require an additional 1.4 FTE;

19 (b) \$51,256 for use by the executive director's office for legal
20 services;

21 (c) \$2,379 for use by the executive director's office for vehicle
22 lease payments; and

23 (d) \$46,906 for use by the executive director's office for payments
24 to OIT.

25 (2) For the 2022-23 state fiscal year, \$51,256 is appropriated to
26 the department of law. This appropriation is from reappropriated funds
27 received from the department of local affairs under subsection (1)(b) of

1 this section and is based on an assumption that the department of law will
2 require an additional 0.3 FTE. To implement this act, the department of
3 law may use this appropriation to provide legal services for the
4 department of local affairs.

5 (3) For the 2022-23 state fiscal year, \$2,379 is appropriated to the
6 department of personnel. This appropriation is from reappropriated funds
7 received from the department of local affairs under subsection (1)(c) of
8 this section. To implement this act, the department of personnel may use
9 this appropriation to provide vehicles to the department of local affairs.

10 (4) For the 2022-23 state fiscal year, \$46,906 is appropriated to
11 the office of the governor for use by the office of information technology.
12 This appropriation is from reappropriated funds received from the
13 department of local affairs under subsection (1)(d) of this section. To
14 implement this act, the office may use this appropriation to provide
15 information technology services for the department of local affairs.

16 (5) For the 2022-23 state fiscal year, \$86,946 is appropriated to
17 the department of regulatory agencies. This appropriation is from the
18 division of professions and occupations cash fund created in section
19 12-20-105 (3), C.R.S. To implement this act, the department may use this
20 appropriation as follows:

21 (a) \$50,440 for use by the division of professions and occupations
22 for personal services, which amount is based on an assumption that the
23 division will require an additional 0.9 FTE;

24 (b) \$26,989 for use by the division of professions and occupations
25 for operating expenses; and

26 (c) \$9,517 for use by the executive director's office and
27 administrative services for vehicle lease payments.

