



COLORADO
Department of Local Affairs

Proposed Regulatory Agenda

For Calendar Year
2016

The Department of Local Affairs (DOLA) has prepared its proposed Regulatory Agenda for calendar year 2016. This Report is being submitted to fulfill the Department's requirements under C.R.S. 2-7-203. In addition, this report will fulfill the requirements of SB14-063 "Concerning the mandatory review of existing executive branch agency rules conducted by each principal department". This report will review the regulatory actions the Department undertook during the 2015 calendar year.

The Department of Local Affairs has a total of 22 titles of rules published in the Code of Colorado Regulations (CCR) and made available on the Secretary of States website. These 22 titles contain 451 individual rules. Of these 22 titles published in CCR, eight (8) titles, and a total of 28 individual rules have been previously repealed leaving 14 active titles and 423 individual rules. One additional rule title was repealed in its entirety during the 2015 calendar year.

The divisions within DOLA maintain an ongoing public notification on its website for the review of their official rules. The notice provides that the respective divisions conducts continuous review of all of its rules to assess the continuing need for appropriateness, cost effectiveness of its rules to determine if they should be continued in their current form and modified or repealed. Each division accepts written input concerning its rules at any time. The review considers:

1. Whether each rule is necessary;
2. Whether each rule overlaps or duplicates other rules or other federal, state or local government rules;
3. Whether each rule is written in plain language and is easy to understand;
4. Whether each rule has achieved the desired intent and whether more or less regulation is necessary;
5. Whether each rule can be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits;
6. Whether each rule is implemented in an efficient and effective manner;
7. Whether a cost-benefit analysis was required to be performed and, if so, whether a cost benefit analysis was performed for each rule pursuant to Section 24-4-103(2.5), C.R.S.; and
8. Whether each rule is adequate for the protection of the safety, health, and welfare of the state or its residents.

The following list contains all of the rules listed on the Code of Colorado Regulations (CCR) as posted on the Secretary of State's website.

8 CCR 1301-1 - BOARD OF ASSESSMENT APPEALS PROCEDURES OF PRACTICE AND PROCEDURES OF REVIEW

~~8 CCR 1302-1 - FACTORY BUILT HOUSING CONSTRUCTION CODE AND MULTIPLE DWELLING CODE~~ - Repealed effective 11/30/03

~~8 CCR 1302-2 - RESOLUTION NO. 26 - RECREATIONAL AND PARK TRAILER VEHICLES~~ - Repealed effective 11/30/03

~~8 CCR 1302-3 - RESOLUTION NO. 25 - FACTORY BUILT HOUSING~~ - Repealed effective 11/30/03

8 CCR 1302-4 - RESOLUTION NO. 10 - MANUFACTURED HOME CONSTRUCTION STANDARDS AND PROCEDURAL REGULATIONS

8 CCR 1302-5 - RESOLUTION NO. 23 - LIMITS FOR REVOLVING LOAN PROGRAM

~~8 CCR 1302-6 - RESOLUTION NO. 24 - FACTORY BUILT NONRESIDENTIAL STRUCTURE~~ - Repealed effective 11/30/03

8 CCR 1302-7 - RESOLUTION NO. 38 - MANUFACTURED HOUSING INSTALLATIONS

8 CCR 1302-8 - RESOLUTION NO. 36 - ON-SITE CONSTRUCTION AND SAFETY CODES FOR MOTELS, HOTELS AND MULTI-FAMILY DWELLINGS IN THOSE AREAS OF THE STATE WHERE NO SUCH STANDARDS EXIST

8 CCR 1302-9 - RESOLUTION NO. 27 - HOME INVESTMENT TRUST FUND - SHORT TERM LOANS

~~8 CCR 1302-10 - RESOLUTION NO. 29 - ON-SITE CONSTRUCTION AND SAFETY CODES~~ - Repealed effective 11/30/03

8 CCR 1302-11 - RESOLUTION NO. 35 - FACTORY BUILT NONRESIDENTIAL STRUCTURES

8 CCR 1302-12 - RESOLUTION NO. 34 - FACTORY BUILT HOUSING

~~8 CCR 1302-13 - RESOLUTION NO. 32 - RECREATIONAL AND PARK TRAILER VEHICLES~~ - Repealed effective 11/30/03

8 CCR 1304-1 - RULES AND REGULATIONS GOVERNING PERSONAL PROPERTY DEDUCTION, VALUATION AND DEPRECIATION OF MOBILE HOMES

8 CCR 1304-2 - RULES AND REGULATIONS FOR EXEMPT PROPERTIES

~~8 CCR 1306-1 - NON-RATED PUBLIC SECURITIES REPORTING~~ - Repealed effective 12/02/02

~~8 CCR 1306-2 - PARTIAL REIMBURSEMENT OF WASTE TIRE PROCESSING AND USAGE - Repealed Effective 01/14/2012~~

8 CCR 1306-3 - CONSERVATION TRUST FUND ADMINISTRATION, INCLUDING MONITORING, ENFORCEMENT AND GUIDANCE REGARDING ALLOWABLE EXPENDITURES (C.R.S. 29-21-101)

8 CCR 1307-1 - SEARCH AND RESCUE

8 CCR 1308-1 - PRIVATE ACTIVITY BOND PROGRAM RULES

~~8 CCR 1309-1 - RULE FOR FILING TIER II REPORTS ELECTRONICALLY - Repealed Effective 10/30/2015~~

The Department administratively reviewed these active titles along with the corresponding individual rules. This administrative review identified rules that will require further action of either amending, revising or repealing. These rules are summarized below:

Rule 8 CCR 1309-1 RULE FOR FILING TIER II REPORTS ELECTRONICALLY:

The Department of Local Affairs is authorized to promulgate rules pursuant to C.R.S. 24-1-125(1). Rule 8 CCR 1309-1, RULE FOR FILING TIER II REPORTS ELECTRONICALLY, effective December 1, 2010, was established under the authority of C.R.S. 24-32-2603.5(2)(b) and (c). This rule allowed the Colorado Emergency Planning Commission to receive Type II reports from the owner or operator of facilities subject to EPCRA Section 312 by electronic submittal.

During the 2012 Legislative Session, HB 12-1283 was adopted and became law and in part, transferred the Division of Emergency Management and the Colorado Emergency Planning Commission from the Department of Local Affairs to the Department of Public Safety. Although the Division and the Commission transferred to the Department of Public Safety, this rule did not transfer and needs to be repealed by the Department of Local Affairs. The Colorado Emergency Planning Commission will not be impacted by the repeal of this rule.

8 CCR 1302-9 – Resolution No. 27 – HOME INVESTMENT TRUST FUND – SHORT TERM LOANS:

The Division of Housing and the State Housing Board are authorized to promulgate rules pursuant to C.R.S. 24-32-705(j) and 24-32-707(g). The Division of Housing and the State Housing Board plan to repeal 8 CCR 1302-9 – Resolution No. 27 – HOME INVESTMENT TRUST FUND – SHORT TERM LOANS. During the 2014 Legislative Session, HB 14-1017 was passed and adopted which revised the Division's statute C.R.S. 24-32-717 regarding the administration of the housing investment trust fund. The statutory revisions made in HB14-1017 make these obsolete and unnecessary. Therefore

these rules can be repealed in their entirety. The Division of Housing plans to initiate the process to repeal these rules during the 2015 calendar year.

8 CCR 1308-1 PRIVATE ACTIVITY BOND PROGRAM RULES:

The passage of SB 09-041 revised provisions regarding Private Activity Bonds C.R.S. 24-32-1700, et al, including fees DOLA may charge for running this cash funded program. The passage of SB 09-041 negates the need for this rule and therefore the Division of Housing plans to repeal this rule, in its entirety, during the 2016 calendar year...

8 CCR 1304-1 RULES AND REGULATIONS GOVERNING PERSONAL PROPERTY DEDUCTION, VALUATION AND DEPRECIATION OF MOBILE HOMES:

The Division of Property Taxation is created pursuant to C.R.S. 39-2-101, the head of which is the property tax administrator, which office is created by section 15 of article X of the State Constitution. The property tax administrator is authorized to adopt rules and regulations pursuant to C.R.S. 39-2-108 and C.R.S. 39-2-117(7). The Division of Property Taxation plans to evaluate the following rules during the 2015 calendar year:

These rules are long past obsolete but they are still in the Code of Colorado Regulations. The statute that gave the Property Tax Administrator the authority to promulgate them was repealed in 1982. In that same bill information on mobile homes was added to the list of topics to be covered in the Assessors' Reference Library. It is clear that this is just a cleanup measure with the only question being the appropriate way to approach it.

8 CCR 1304-2 RULES AND REGULATIONS FOR EXEMPT PROPERTIES:

The Division of Property Taxation will revise this rule is to conform Rule V.B.2. to a change in statutory language made in HB 14-1074. There may be other minor revisions made to a few rules but no significant substantive changes are anticipated.

8 CCR 1506-1 GENERAL RULES OF PROCEDURE AND ABSTRACT OF ASSESSMENT HEARINGS:

The State Board of Equalization is created in C.R.S. 39-9-101 and is comprised of the Governor, or his designee, the Speaker of the House of Representatives, or his designee, the President of the Senate, or his designee, and two members appointed by the Governor with the consent of the senate. The State Board of Equalization is empowered to promulgate rules and regulations as authorized in C.R.S. 39-9-103(8).

The State Board of Equalization is not a part of the Department of Local Affairs. However, personnel from the Division of Property Taxation staff the State Board of Equalization and provide support services so the Board can fulfill its functions. Therefore, in order to help promote greater transparency of its operations, the Department of Local Affairs felt it would be appropriate to include the proposed revisions to the rules promulgated by the Board in the Department's Regulatory Agenda.

These are the rules under which the State Board of Equalization operates. They have not been reviewed in thirty years and the Board's duties and procedures have changed during that time. Personnel from the Division of Property Taxation will assist the Board with identifying needed changes, additions and deletions, and help with the procedural steps necessary to effectuate any rule modifications.

Rules Revisions Initiated During the 2014 Calendar Year

Rule 8 CCR 1309-1 RULE FOR FILING TIER II REPORTS ELECTRONICALLY:

The Executive Director's Office initiated the process to repeal this rule on July 21, 2015. Notice was first published in the Colorado Register on August 10, 2015. There were no public comments received during the public hearing and the effective date for repeal of this rule will be October 30, 2015.

8 CCR 1302-9 – Resolution No. 27 – HOME INVESTMENT TRUST FUND – SHORT TERM LOANS:

The Division of Housing plans to initiate the process to repeal these unnecessary and obsolete rules during the 2015 calendar year.

Proposed Rule Revisions to Be Initiated During the 2016 Calendar Year

At the time of preparation of this Report, the Division of Housing, and the Division of Property Taxation intend to initiate the process to revise the following rules:

8 CCR 1308-1 PRIVATE ACTIVITY BOND PROGRAM RULES;

8 CCR 1304-1 RULES AND REGULATIONS GOVERNING PERSONAL PROPERTY DEDUCTION, VALUATION AND DEPRECIATION OF MOBILE HOMES;

8 CCR 1304-2 RULES AND REGULATIONS FOR EXEMPT PROPERTIES; and

8 CCR 1506-1 GENERAL RULES OF PROCEDURE AND ABSTRACT OF ASSESSMENT HEARINGS.