

CHAPTER 138

PROPERTY

SENATE BILL 94-092

BY SENATORS Johnson and Tebedo;
also REPRESENTATIVES Fleming, Armstrong, Epps, Jerke, Lawrence, Nichol, and Snyder.

AN ACT

CONCERNING MOBILE HOMES.

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

SECTION 1. 38-12-202 (1) (c), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-12-202. Tenancy - notice to quit. (1) (c) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), the home owner shall be given a period of not less than thirty days, to be extended to not less than sixty days where the home owner must remove a multisection mobile home, to remove any mobile home from the premises from the date the notice is served or posted. In those situations where a multisection mobile home is being leased to, or occupied by, persons other than its owner and in a manner contrary to the rules and regulations of the landlord, then, in that event, the tenancy may be terminated by the landlord upon giving a thirty-day notice rather than said sixty-day notice.

(II) IF THE TENANCY IS TERMINATED ON GROUNDS SPECIFIED IN SECTION 38-12-203 (1) (f), THE HOME OWNER SHALL BE GIVEN A PERIOD OF NOT LESS THAN TEN DAYS, TO BE EXTENDED TO NOT LESS THAN FIFTEEN DAYS WHERE THE HOME OWNER MUST REMOVE A MULTISECTION MOBILE HOME, TO REMOVE ANY MOBILE HOME FROM THE PREMISES FROM THE DATE THE NOTICE IS SERVED OR POSTED.

SECTION 2. 38-12-203 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

38-12-203. Reasons for termination. (1) After July 1, 1973, a tenancy shall be terminated pursuant to this part 2 only for one or more of the following reasons:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(f) CONDUCT OF THE HOME OWNER OR ANY LESSEE OF THE HOME OWNER OR ANY GUEST, AGENT, INVITEE, OR ASSOCIATE OF THE HOME OWNER OR LESSEE OF THE HOME OWNER, THAT:

(I) OCCURS ON THE MOBILE HOME PARK PREMISES AND UNREASONABLY ENDANGERS THE LIFE OF THE LANDLORD, ANY HOME OWNER OR LESSEE OF THE MOBILE HOME PARK, ANY PERSON LIVING IN THE PARK, OR ANY GUEST, AGENT, INVITEE, OR ASSOCIATE OF THE HOME OWNER OR LESSEE OF THE HOME OWNER;

(II) OCCURS ON THE MOBILE HOME PARK PREMISES AND CONSTITUTES WILLFUL, WANTON, OR MALICIOUS DAMAGE TO OR DESTRUCTION OF PROPERTY OF THE LANDLORD, ANY HOME OWNER OR LESSEE OF THE MOBILE HOME PARK, ANY PERSON LIVING IN THE PARK, OR ANY GUEST, AGENT, INVITEE, OR ASSOCIATE OF THE HOME OWNER OR LESSEE OF THE HOME OWNER;

(III) OCCURS ON THE MOBILE HOME PARK PREMISES AND CONSTITUTES A FELONY PROHIBITED UNDER ARTICLE 3, 4, 6, 7, 9, 10, 12, OR 18 OF TITLE 18, C.R.S.; OR

(IV) IS THE BASIS FOR A PENDING ACTION TO DECLARE THE MOBILE HOME OR ANY OF ITS CONTENTS A CLASS 1 PUBLIC NUISANCE UNDER SECTION 16-13-303, C.R.S.

SECTION 3. 1-1-104 (48), Colorado Revised Statutes, 1980 Repl. Vol., as amended, is amended to read:

1-1-104. Definitions. (48) "Taxable property" means real or personal property subject to general ad valorem taxes. For all elections and petitions which require ownership of real property or land, ownership of a mobile home OR MANUFACTURED HOME, as defined in section 5-1-301 (9.7), 38-12-201.5 (2), or 42-1-102 (82) (b), C.R.S., or "~~manufactured home~~", as defined in section ~~12-51.5-101 (4), C.R.S.~~, is sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 4. 12-61-101 (4) (o), Colorado Revised Statutes, 1991 Repl. Vol., is repealed as follows:

12-61-101. Definitions. (4) "Real estate salesperson" or "real estate broker" does not apply to any of the following:

~~(o) Any person engaging in or offering or attempting to engage in any of the acts set forth in subsection (2) of this section when such acts are incidental and necessary to the sale or transfer of manufactured housing or a manufactured house by a manufactured housing dealer or manufactured housing salesperson licensed under part 1 of article 51.5 of this title and are coupled with the sale, transfer, or creation of a leasehold interest in real estate located in a manufactured housing park.~~

SECTION 5. 12-61-113.5, Colorado Revised Statutes, 1991 Repl. Vol., is repealed as follows:

~~**12-61-113.5. Mobile home transactions - requirements.** When originating or guaranteeing financing as part of the transaction, every person licensed under this~~

~~part 1 engaged in a transaction exempt from mobile home dealer licensure under section 12-51.5-101 (5) (e) shall comply with all consumer finance laws and rules applicable to the transaction. If the transaction involves purchaser assumption of existing indebtedness, written lender approval of the assumption of indebtedness shall be obtained prior to closing.~~

SECTION 6. 12-61-303 (4) (b), Colorado Revised Statutes, 1991 Repl. Vol., is repealed as follows:

12-61-303. Time for commencing action - required showing by judgment creditor. (4) At the hearing, the claimant shall be required to show:

~~(b) That, in the case of a transaction engaged in by a real estate broker or salesperson which is included under the exemption provided for the sale of mobile homes under section 12-51.5-101 (5) (e), the transaction occurred on or after March 25, 1982; however, if the real estate broker or real estate salesperson is also licensed as a manufactured housing dealer or salesman, the real estate recovery fund shall not be liable;~~

SECTION 7. 13-4-102 (2) (y), Colorado Revised Statutes, 1987 Repl. Vol., as amended, is repealed as follows:

13-4-102. Jurisdiction. (2) The court of appeals shall have initial jurisdiction to:

~~(y) Review final actions and orders of the Colorado manufactured housing licensing board that are appropriate for judicial review, as provided in section 12-51.5-119, C.R.S.;~~

SECTION 8. 24-1-122 (3) (hh), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

24-1-122. Department of regulatory agencies - creation. (3) The following boards and agencies are transferred by a **type 1** transfer to the department of regulatory agencies and allocated to the division of registrations:

~~(hh) Colorado manufactured housing licensing board, created by article 51.5 of title 12, C.R.S.;~~

SECTION 9. 24-34-104 (21.1), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (21.1) ~~The following board and the functions of the specified agency shall terminate on July 1, 1992: The Colorado manufactured housing licensing board, created by article 51.5 of title 12, C.R.S. However;~~ The sunrise and sunset review committee created by joint rule of the senate and house of representatives shall retain continuing jurisdiction, at any time and at its own discretion, to review and recommend ~~termination, continuation, or reestablishment of such~~ THE COLORADO MANUFACTURED HOUSING LICENSING board, ~~including amending such termination date.~~

SECTION 10. 32-1-103 (5) (d) and (23) (c), Colorado Revised Statutes, as amended, are amended to read:

32-1-103. Definitions. As used in this article, unless the context otherwise requires:

(5) (d) For all elections and petitions which require ownership of real property or land, a mobile home OR MANUFACTURED HOME as defined in section 38-12-201.5 (2), 5-1-301 (9.7), or 42-1-102 (82) (b), C.R.S., ~~or manufactured housing as defined in section 12-51.5-101 (4), C.R.S.,~~ shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

(23) (c) For all elections and petitions which require ownership of real property or land, a mobile home OR MANUFACTURED HOME as defined in section 38-12-201.5 (2), 5-1-301 (9.7), ~~12-51.5-101 (4),~~ or 42-1-102 (82) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 11. 35-70-104.1, Colorado Revised Statutes, 1984 Repl. Vol., is amended to read:

35-70-104.1. Mobile home ownership - elections and petitions. Notwithstanding any other provision of this article to the contrary, for all elections and petitions which require ownership of real property or land, a mobile home OR MANUFACTURED HOME as defined in section 38-12-201.5 (2), 5-1-301 (9.7), ~~12-51.5-101 (4),~~ or 42-1-102 (82) (b), C.R.S., shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 12. 37-45-103 (4) (c), Colorado Revised Statutes, 1990 Repl. Vol., is amended to read:

37-45-103. Definition of terms. As used in this article, unless the context otherwise requires:

(4) (c) For all elections and petitions which require ownership of real property or land, a mobile home OR MANUFACTURED HOME as defined in section 38-12-201.5 (2), 5-1-301 (9.7), or 42-1-102 (82) (b), C.R.S., ~~or manufactured housing as defined in section 12-51.5-101 (4), C.R.S.,~~ shall be deemed sufficient to qualify as ownership of real property or land for the purpose of voting rights and petitions.

SECTION 13. 38-12-201 (1), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-12-201. Application of part 2. (1) This part 2 shall apply only to ~~manufactured housing~~ or manufactured homes as defined in section ~~12-51.5-101~~ 42-1-102 (82) (b), C.R.S.

SECTION 14. 38-41-201.6, Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

38-41-201.6. Mobile home or manufactured home homestead exemption. A

manufactured home as defined in section 38-29-102 (6), which includes a mobile home OR MANUFACTURED HOME as defined in section 38-12-201.5 (2), ~~or section 5-1-301 (9.7), 12-51.5-101 (4)~~; or 42-1-102 (82) (b), C.R.S., that has been purchased by an initial user or subsequent user and for which a certificate of title has been issued in accordance with section 38-29-110 or pursuant to section 38-29-108 is a homestead and, notwithstanding the provisions of section 13-54-102 (1) (o) (II), C.R.S., is entitled to the same exemption as enumerated in section 38-41-201, except for any loans, debts, or obligations incurred prior to January 1, 1983. For purposes of this homestead exemption, the term "house" as used in section 38-41-205 shall be deemed to include mobile homes or manufactured homes.

SECTION 15. 39-5-203 (3), Colorado Revised Statutes, 1982 Repl. Vol., as amended, is amended to read:

39-5-203. Mobile homes - determination of value. (3) (a) The valuation for assessment of each mobile home shall be computed on the same basis as the valuation for assessment of all taxable property; except that mobile homes shall be exempt from property taxation while LOCATED ON SALES DISPLAY LOTS OF MOBILE HOME DEALERS AND listed as inventories of merchandise by SUCH mobile home dealers. ~~licensed by the Colorado mobile home licensing board.~~ It is the duty of the seller of a mobile home to provide to the buyer a tax certificate and an itemized list of household furnishings, as defined in section 39-3-102 and which are included in the selling price of the mobile home, at the time of sale.

(b) A person who knowingly fails to provide an itemized list of household furnishings as required by this subsection (3) ~~shall be punished as provided in section 12-51.5-122 (5), C.R.S.~~ COMMITS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE FINED TWO HUNDRED DOLLARS; EXCEPT THAT, UPON CONVICTION OF A SECOND OR SUBSEQUENT SUCH OFFENSE, SUCH PERSON COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

SECTION 16. 42-4-409 (12) (b), Colorado Revised Statutes, 1993 Repl. Vol., is amended to read:

42-4-409. Permits for excess size and weight and for manufactured homes. (12) (b) Any person who violates the provisions of subparagraph (IV) of paragraph (b) of subsection (2) of this section ~~shall be prosecuted under section 12-51.5-122 (5), C.R.S.~~ COMMITS A CLASS 2 PETTY OFFENSE AND, UPON CONVICTION THEREOF, SHALL BE FINED TWO HUNDRED DOLLARS; EXCEPT THAT, UPON CONVICTION OF A SECOND OR SUBSEQUENT SUCH OFFENSE, SUCH PERSON COMMITS A CLASS 3 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1-106, C.R.S.

SECTION 17. Effective date - applicability. This act shall take effect upon passage and shall apply to leases executed on or after said date and to leases in effect on said date when any act enumerated in section 38-12-203 (1) (f), Colorado Revised Statutes, is committed on or after said date.

SECTION 18. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 19, 1994