

CHAPTER 91

PROPERTY

HOUSE BILL 11-1174

BY REPRESENTATIVE(S) Vaad, Bradford, Casso;
also SENATOR(S) Renfroe.

AN ACT

CONCERNING THE FILING OF A CERTIFICATE OF DESTRUCTION BY A PERSON ON WHOSE LAND A MANUFACTURED HOME IS SITUATED WHEN A GOVERNMENTAL ENTITY HAS DEEMED THE MANUFACTURED HOME IN VIOLATION OF LOCAL CODES.

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

SECTION 1. 38-29-204 (1) (a), (2) (h), and (4), Colorado Revised Statutes, are amended, and the said 38-29-204 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

38-29-204. Certificate of destruction. (1) (a) If a manufactured home is destroyed, dismantled, or sold or otherwise disposed of as salvage on or after July 1, 2008, the owner of the manufactured home OR THE PERSON ON WHOSE REAL PROPERTY THE MANUFACTURED HOME IS SITUATED shall file a certificate of destruction.

(d) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A MANUFACTURED HOME HAS BEEN DEEMED MATERIALLY DANGEROUS OR MATERIALLY HAZARDOUS, PURSUANT TO LOCAL BUILDING OR HEALTH CODES BY A GOVERNMENTAL ENTITY, THE PERSON ON WHOSE REAL PROPERTY THE MANUFACTURED HOME IS SITUATED MAY FILE AND RECORD A CERTIFICATE OF DESTRUCTION WITHOUT ATTACHING A CERTIFICATE OF TAXES DUE OR AN AUTHENTICATION OF PAID AD VALOREM TAXES AND WITHOUT SURRENDERING A CERTIFICATE OF TITLE OR FILING AN APPLICATION TO CANCEL A CERTIFICATE OF TITLE. ANY CERTIFICATE OF DESTRUCTION FILED AND RECORDED PURSUANT TO THIS PARAGRAPH (d) SHALL BE ACCOMPANIED BY THE EVIDENCE OF VIOLATION.

(II) THE CERTIFICATE OF DESTRUCTION AND THE EVIDENCE OF VIOLATION SHALL BE FILED AND RECORDED WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY

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

AND COUNTY IN WHICH THE MANUFACTURED HOME IS OR WAS LOCATED. THE CLERK AND RECORDER SHALL FILE AND RECORD THE CERTIFICATE OF DESTRUCTION AND THE EVIDENCE OF VIOLATION IN HIS OR HER OFFICE.

(III) FOR PURPOSES OF THIS PARAGRAPH (d):

(A) "EVIDENCE OF VIOLATION" MEANS A NOTICE AND ORDER FROM A GOVERNMENTAL ENTITY THAT A MANUFACTURED HOME HAS BEEN DEEMED MATERIALLY DANGEROUS OR MATERIALLY HAZARDOUS PURSUANT TO LOCAL BUILDING OR HEALTH CODES AND THAT ALL APPLICABLE CURE PERIODS HAVE EXPIRED.

(B) "GOVERNMENTAL ENTITY" MEANS ANY FEDERAL AGENCY, THE STATE, OR ANY COUNTY, TOWN, CITY, OR CITY AND COUNTY.

(2) The property tax administrator shall establish the form of the certificate of destruction. In addition to any other information that the administrator may require, the certificate shall include the following:

(h) Consent of all lienholders to the destruction of the manufactured home, or proof that a request for such consent was sent by certified mail to such lienholders, ALONG WITH PROOF THAT A COPY OF THE REQUEST FOR SUCH CONSENT WAS MAILED TO THE OWNER IF THE CERTIFICATE OF DESTRUCTION IS FILED BY THE PERSON ON WHOSE REAL PROPERTY THE MANUFACTURED HOME IS SITUATED, at their last-known address and a notarized declaration, signed under penalty of perjury, that no response was received FROM ANY SUCH LIENHOLDERS within thirty days of the date of the mailing of the notice;

(4) Any owner OR PERSON ON WHOSE REAL PROPERTY THE MANUFACTURED HOME IS SITUATED who fails to file a properly completed certificate of destruction when required pursuant to this section shall be responsible for all actual damages sustained by any affected party related to the manufactured home being destroyed, dismantled, or sold or otherwise disposed of as salvage.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 6, 2011