

HB1019_L.003

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Transportation & Local Government.

HB21-1019 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 24-32-3301, **amend**
4 (1) introductory portion, (1)(a), (1)(b), (1)(c)(II), (1)(e), (2)(a), (2)(d), and
5 (3); and **add** (4) as follows:

6 **24-32-3301. Legislative declaration.** (1) The general assembly
7 hereby finds, determines, and declares that MOBILE HOMES,
8 MANUFACTURED HOUSING, AND FACTORY-BUILT HOUSING ARE IMPORTANT
9 AND EFFECTIVE WAYS TO MEET COLORADO'S AFFORDABLE HOUSING
10 NEEDS. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,
11 BECAUSE OF THE HOUSING CRISIS IN COLORADO, THERE IS A NEED TO
12 PROMOTE THE AFFORDABILITY AND ACCESSIBILITY OF NEW
13 MANUFACTURED AND FACTORY-BUILT HOUSING. THE GENERAL ASSEMBLY
14 ENCOURAGES LOCAL GOVERNMENTS TO ENACT ORDINANCES AND RULES
15 THAT EFFECTIVELY TREAT FACTORY-BUILT HOUSING CERTIFIED THROUGH
16 THE STATE PROGRAM AND MANUFACTURED HOUSING CERTIFIED THROUGH
17 THE FEDERAL PROGRAM THE SAME AS SITE-BUILT HOMES. THE GENERAL
18 ASSEMBLY FURTHER FINDS, DETERMINES, AND DECLARES THAT:

19 (a) The comprehensive regulation of the ~~manufacture~~
20 CONSTRUCTION of factory-built structures to ensure safety,
21 AFFORDABILITY, EFFICIENCY, AND PERFORMANCE is a matter of statewide
22 concern.

23 (b) The comprehensive regulation of the installation of
24 manufactured homes to ensure safety, affordability, EFFICIENCY, and
25 performance is a matter of statewide and local concern.

26 (c) The protection of Colorado consumers who purchase
27 manufactured homes from fraud and other unfair business practices is a
28 matter of statewide concern and consumers can best be protected by:

29 (II) Imposing ~~uniform~~ escrow and bonding requirements upon
30 persons engaged in the business of selling manufactured homes; and

31 (e) The ~~uniform~~ registration, escrow and bonding, and contract
32 requirements imposed on sellers of manufactured homes by this part 33
33 are exclusive and no political subdivision of the state ~~shall~~ MAY impose
34 any additional registration, escrow, and bonding, or contract requirements
35 on the sellers.

36 (2) The general assembly further declares that in enacting this part
37 33, it is the intent of the general assembly that the division establish
38 through the board rules as it deems necessary to ensure:

39 (a) The safety, AFFORDABILITY, EFFICIENCY, AND PERFORMANCE
40 of factory-built structures;

1 (d) The safety, AFFORDABILITY, AND PERFORMANCE of hotels,
2 motels, and multi-family structures in areas of the state where no
3 construction standards for hotels, motels, and multi-family structures
4 exist.

5 (3) The general assembly further declares that the factory-built
6 structure programs administered and rules adopted pursuant to this part
7 33 shall apply only to work performed in a factory or completed at a site
8 using components shipped with the factory-built structure as reflected in
9 the approved plans for the factory-built structure.

10 (4) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
11 REGULATIONS IN THIS PART 33 ARE SEPARATE AND DISTINCT FROM THE
12 "MOBILE HOME PARK ACT" AND THE "MOBILE HOME PARK ACT DISPUTE
13 RESOLUTION AND ENFORCEMENT PROGRAM" UNDER PARTS 2 AND 11 OF
14 ARTICLE 12 OF TITLE 38.

15 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
16 (4), (9), (10), (15), (17), (18), (20) introductory portion, (20)(c), (30), and
17 (31); **repeal** (5) and (7); and **add** (6.5) and (32.5) as follows:

18 **24-32-3302. Definitions.** As used in this part 33, unless the
19 context otherwise requires:

20 (4) "Certified installer" means an installer of manufactured homes
21 who is registered with the division and who has installed at least five
22 manufactured homes in compliance with the manufacturer's instructions
23 or standards created by the division pursuant to this part 33 AND HAS BEEN
24 APPROVED BY THE DIVISION FOR CERTIFIED STATUS.

25 (5) ~~"Dealer" means any person engaged in the sale, leasing, or~~
26 ~~distribution of new manufactured homes primarily to persons who in~~
27 ~~good faith purchase or lease a manufactured home for purposes other than~~
28 ~~resale.~~

29 (6.5) "DELIVERY" MEANS, FOR PURPOSES OF SECTION 24-32-3325,
30 AT A LOCATION AGREED TO BY THE SELLER AND PURCHASER.

31 (7) ~~"Distributor" means any person engaged in the sale and~~
32 ~~distribution of manufactured homes for resale.~~

33 (9) "Factory-built nonresidential structure" means any structure or
34 component, ~~thereof~~ INCLUDING ANY CLOSED PANEL SYSTEM, designed
35 primarily for commercial, industrial, or other nonresidential use, either
36 permanent or temporary, including a manufactured unit that is wholly or
37 in substantial part made, fabricated, formed, or assembled in
38 manufacturing facilities for installation or assembly and installation on a
39 permanent or temporary foundation at the building site.

40 (10) "Factory-built residential structure" means a manufactured
41 home, INCLUDING ANY CLOSED PANEL SYSTEM, constructed to the building
42 codes adopted by the board and designed to be installed on a permanent
43 foundation, except for homes constructed to a federal manufactured home

1 construction and safety standard and any home designated as a mobile
2 home.

3 (15) "Independent contractor" means a local jurisdiction
4 GOVERNMENT, individual, private firm, housing inspector, or engineer
5 who has been approved by the division to perform or enforce installation
6 inspections.

7 (17) "Installer" means any person who performs the installation
8 of a manufactured home, WHICH INCLUDES MULTI-FAMILY STRUCTURES
9 FOR THOSE WHOSE KNOWLEDGE, EXPERIENCE, AND SKILLS TO DO SO.

10 (18) "Local government" means the government of a town, city,
11 county, or city and county THAT IS THE DESIGNATED AUTHORITY CHARGED
12 WITH THE ADMINISTRATION AND ENFORCEMENT OF LOCAL BUILDING
13 CODES.

14 (20) "Manufactured home" means any preconstructed building
15 unit or combination of preconstructed building units OR CLOSED PANEL
16 SYSTEMS that:

17 (c) Is constructed in compliance with the federal act, factory-built
18 residential requirements, INCLUDING THOSE FOR MULTI-FAMILY
19 STRUCTURES, or mobile home standards;

20 (30) "Quality assurance representative" means any state, firm,
21 corporation, or other entity that proposes to conduct production reviews,
22 evaluate a manufacturer's quality control procedures, and perform design
23 evaluations for ~~manufactured housing units~~ FACTORY-BUILT STRUCTURES.

24 (31) "Registered installer" means an installer who has registered
25 with the division, but who has not ~~yet installed five manufactured homes~~
26 ~~that have been inspected by the division for compliance with the~~
27 ~~manufacturer's instructions or standards created by the division pursuant~~
28 ~~to this part 33~~ APPLIED FOR AND BEEN APPROVED BY THE DIVISION FOR
29 CERTIFIED STATUS.

30 (32.5) "SELLER" MEANS ANY PERSON ENGAGED IN THE BUSINESS
31 OF SELLING MANUFACTURED HOMES TO BE INSTALLED IN COLORADO.

32 **SECTION 3.** In Colorado Revised Statutes, 24-32-3303, **amend**
33 (1) introductory portion, (1)(a), (1)(c), and (1)(d); and **add** (1)(e), (1)(f),
34 and (1)(g) as follows:

35 **24-32-3303. Division of housing - powers and duties - rules.**

36 (1) The division ~~shall have~~ HAS the following powers and duties pursuant
37 to this part 33:

38 (a) To administer and enforce ~~uniform~~ construction and
39 maintenance standards adopted by the board pursuant to this ~~part 33~~;
40 PART 33, INCLUDING THE REGISTRATION STATUS OF MANUFACTURERS;

41 (c) To review and approve quality assurance representatives that
42 intend to perform inspections and issue insignia of approval pursuant to
43 this part 33; ~~and~~

1 (d) To promulgate rules in accordance with article 4 of this title
2 TITLE 24 to implement and specify the installer and inspector education
3 and testing requirements set forth in this part 33 and to oversee such
4 education and testing;

5 (e) TO ENFORCE REQUIREMENTS CONCERNING THE INSTALLATION
6 OF MANUFACTURED HOMES, INCLUDING THE REGISTRATION AND
7 CERTIFICATION STATUS OF INSTALLERS;

8 (f) TO ENFORCE REQUIREMENTS CONCERNING THE SALE OF
9 MANUFACTURED HOMES, INCLUDING THE REGISTRATION STATUS OF
10 SELLERS; AND

11 (g) TO ENFORCE REQUIREMENTS CONCERNING THE SAFETY OF
12 HOTELS, MOTELS, AND MULTI-FAMILY STRUCTURES IN AREAS OF THE STATE
13 WHERE NO CONSTRUCTION STANDARDS FOR HOTELS, MOTELS, AND
14 MULTI-FAMILY STRUCTURES EXIST.

15 **SECTION 4.** In Colorado Revised Statutes, 24-32-3304, **amend**
16 (1) introductory portion, (1)(c), and (1)(e) as follows:

17 **24-32-3304. State housing board - powers and duties.** (1) The
18 board ~~shall have~~ HAS the following powers and duties pursuant to this part
19 33:

20 (c) To develop and submit to the general assembly and local
21 ~~government units~~ GOVERNMENTS recommendations for uniform housing
22 standards and building codes;

23 (e) To promulgate rules establishing specific standards for the use
24 of private inspection and certification entities to perform the division's
25 certification and inspection functions with respect to in-state and
26 out-of-state inspections of ~~manufactured housing units~~ FACTORY-BUILT
27 STRUCTURES. The standards ~~shall~~ MUST allow, consistent with section 13
28 of article XII of the state constitution, the provisions of part 5 of article
29 50 of this title TITLE 24, and the rules of the state personnel board, for the
30 use of private inspection and certification entities when the entities are
31 available at a reasonable cost. The standards ~~shall not~~ CANNOT prohibit a
32 manufacturer from having the option to contract with the division or an
33 authorized quality assurance representative to perform inspection and
34 certification functions.

35 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**
36 (1) introductory portion, (2), (3), (4), and (5) as follows:

37 **24-32-3305. Rules - advisory committee - enforcement.** (1) The
38 board ~~shall~~ MUST promulgate rules as it deems necessary to ensure:

39 (2) Rules promulgated by the board ~~shall~~ MUST include provisions
40 imposing requirements reasonably consistent with recognized and
41 accepted standards adopted by ~~the international conference of building~~
42 ~~officials~~, the international code council, ~~the international association of~~
43 ~~plumbing and mechanical officials~~, the national fire protection

1 association, AND the Colorado state plumbing and electrical codes, ~~and~~
2 ~~the structural engineers association of Colorado~~, or a combination thereof,
3 except to the extent that the board finds that the standards and codes are
4 inconsistent with this part 33. All rules promulgated by the board ~~shall~~
5 MUST be adopted pursuant to article 4 of this ~~title~~ TITLE 24.

6 (3) The board ~~shall~~ MUST consult with and obtain the advice of an
7 advisory committee on residential and nonresidential structures in the
8 drafting and promulgation of rules. The committee ~~shall consist~~ CONSISTS
9 of twelve members appointed by the ~~state director of housing~~ DIVISION
10 from the following professional and technical disciplines: One from
11 architecture, one from structural engineering, three from building code
12 enforcement, one from mechanical engineering or contracting, one from
13 electrical engineering or contracting, one from the plumbing industry, ~~one~~
14 ~~from the mobile home industry~~, one from the construction design or
15 producer industry, ~~one~~ TWO from manufactured housing, and one from
16 organized labor. Committee members shall be reimbursed for actual and
17 necessary expenses incurred while engaged in official duties.

18 (4) The division ~~shall~~ MUST enforce the provisions of this part 33
19 and the rules adopted pursuant thereto.

20 (5) The division may act as agent for the federal government for
21 the enforcement of ~~mobile~~ MANUFACTURED home safety and construction
22 standards relating to any issue with respect to which a federal standard
23 has been established under the federal act.

24 **SECTION 6.** In Colorado Revised Statutes, **amend** 24-32-3306
25 as follows:

26 **24-32-3306. Recognition of similar standards - compliance**
27 **with standards.** (1) If the ~~board~~ DIVISION determines that standards for
28 factory-built OR MANUFACTURED housing prescribed by statute or rule of
29 another state or by the United States department of housing and urban
30 development are reasonably consistent with, or equal to, standards
31 required by this part 33, it may provide by rule that factory-built OR
32 MANUFACTURED housing approved by the other state or by the department
33 meets the standards required by this part 33.

34 (2) No person, partnership, firm, corporation, or other entity may
35 manufacture, sell, or offer for sale within this state any ~~new~~ factory-built
36 structure that is not manufactured in compliance with the applicable
37 provisions of the construction standards adopted by the board.

38 **SECTION 7.** In Colorado Revised Statutes, **amend** 24-32-3307
39 as follows:

40 **24-32-3307. Noncompliance with standards.** (1) The ~~state~~
41 ~~director of housing~~ DIVISION may obtain injunctive relief from the
42 appropriate court to enjoin the manufacture, sale, delivery, or installation
43 of factory-built housing by filing an affidavit specifying the manner in

1 which the housing does not conform to the requirements of this part 33
2 or to rules promulgated pursuant to section 24-32-3305. The ~~director or~~
3 ~~the director's designee~~ DIVISION may suspend the issuance of insignias of
4 approval while injunctive relief is being sought.

5 (2) If the division, acting as agent for the federal government,
6 determines that any manufactured home does not conform to applicable
7 state or federal manufactured home construction and safety standards or
8 that it contains a defect that constitutes an imminent safety hazard after
9 the sale of the manufactured home by a manufacturer to a ~~distributor or~~
10 ~~dealer~~ SELLER and prior to the sale of the manufactured home by the
11 ~~distributor or dealer~~ SELLER to a purchaser, the manufacturer ~~shall~~ MUST
12 provide for parts replacement and installation reimbursement as required
13 under the federal act or rules adopted pursuant thereto.

14 **SECTION 8.** In Colorado Revised Statutes, **amend** 24-32-3308
15 as follows:

16 **24-32-3308. Violation - penalty.** (1) A ~~person~~ MANUFACTURER
17 who violates any of the provisions of this part 33 or any rule promulgated
18 pursuant to section 24-32-3305 ~~shall be~~ IS subject to a ~~civil penalty~~
19 REVOCATION OR SUSPENSION OF THE MANUFACTURER'S REGISTRATION,
20 FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE PROMULGATED
21 BY THE DIVISION OR OTHER APPLICABLE STATE LAW. THE DIVISION MAY
22 ISSUE A FINE of up to one thousand dollars ~~as determined by the board~~ FOR
23 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED
24 DURING THE CONSTRUCTION OF A SINGLE FACTORY-BUILT STRUCTURE
25 CONSTITUTE ONE VIOLATION. A separate violation ~~shall be~~ IS deemed to
26 have occurred with respect to each ~~housing unit~~ FACTORY-BUILT
27 STRUCTURE involved. A civil penalty collected pursuant to this section
28 ~~shall~~ MUST be transmitted to the state treasurer who ~~shall~~ MUST credit the
29 same to the building regulation fund created in section 24-32-3309.

30 (2) In the case of any unit certified under the federal act, civil and
31 criminal penalties provided for in the federal act ~~shall~~ MUST be imposed.
32 Any civil penalty collected pursuant to this section ~~shall~~ MUST be
33 transmitted to the state treasurer, who ~~shall~~ MUST credit the same to the
34 building regulation fund.

35 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-32-3309
36 as follows:

37 **24-32-3309. Fees - building regulation fund.** (1) (a) The board,
38 by rule, ~~shall~~ MUST establish a schedule of fees designed to pay all direct
39 and indirect costs incurred by the division in carrying out and enforcing
40 the provisions of this part 33; except that the amount of the registration
41 fee for installers of manufactured homes is the amount specified in
42 section 24-32-3315 (5) and the amount of the registration fee for sellers
43 of manufactured homes is the amount specified in section 24-32-3323 (3).

1 Before establishing the schedule of fees, the ~~board shall~~ DIVISION MUST
2 gather information regarding the fees charged by Colorado local
3 governments for the inspection and certification of improvements to
4 residential real property that are not manufactured homes and the fees
5 charged by governmental entities outside of Colorado for the inspection
6 and certification of manufactured homes FOR THE BOARD'S
7 CONSIDERATION. The fees ~~shall~~ MUST be paid to the division and
8 transmitted to the state treasurer, who ~~shall~~ MUST credit the fees to the
9 building regulation fund, which fund is hereby created in the state
10 treasury and referred to in this section as the "fund". All interest derived
11 from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall~~ MUST
12 be credited to the fund. Except as otherwise provided in subsection (2) of
13 this section, at the end of any fiscal year, all unexpended and
14 unencumbered ~~moneys~~ MONEY in the fund ~~shall~~ MUST remain in the fund
15 and ~~shall~~ MUST not be credited or transferred to the general fund or any
16 other fund or used for any other purpose other than to offset the costs of
17 implementing and administering and enforcing the provisions of this part
18 33.

19 (b) Notwithstanding any provision of this section to the contrary:

20 (I) On June 1, 2009, the state treasurer ~~shall~~ MUST deduct one
21 million one hundred one thousand three hundred forty-nine dollars from
22 the fund and transfer such sum to the general fund;

23 (II) On April 1, 2015, the state treasurer ~~shall~~ MUST deduct three
24 hundred thousand dollars from the general fund and transfer such sum to
25 the fund; and

26 (III) On July 1, 2016, the state treasurer ~~shall~~ MUST deduct two
27 hundred thousand dollars from the general fund and transfer such sum to
28 the fund.

29 (2) In addition to being used to offset the costs of implementing
30 and administering ~~the provisions of this part 33 as specified in subsection~~
31 (1) of this section, ~~moneys~~ MONEY in the fund may be expended:

32 (a) To provide education and training to manufacturers, ~~dealers,~~
33 SELLERS, installers, building department employees, elected officials, and,
34 as appropriate, other persons affected by the mobile, manufactured, and
35 factory-built structures industry regarding the building codes and state
36 program requirements applicable to mobile, manufactured, and
37 factory-built structures within the state;

38 (b) To provide consumer training throughout the state that will
39 help a consumer ~~to~~ make informed decisions when purchasing or
40 considering the purchase of a mobile home, manufactured home, or
41 factory-built structure; and

42 (c) To provide education and grants that will help manufacturers,
43 ~~dealers,~~ SELLERS, installers, owners, and, as appropriate, other parties

1 affected by the mobile, manufactured, and factory-built structures
2 industry address safety issues that affect mobile, manufactured, and
3 factory-built structures.

4 **SECTION 10.** In Colorado Revised Statutes, **amend** 24-32-3310
5 as follows:

6 **24-32-3310. Local enforcement.** Nothing in this part 33 ~~shall~~
7 MAY interfere with the right of local governments to enforce local rules
8 governing the installation of factory-built housing ~~approved pursuant to~~
9 ~~this part 33~~ PURSUANT TO SECTION 24-32-3318 THAT BEAR THE INSIGNIA
10 OF APPROVAL ISSUED BY THE DIVISION PURSUANT TO SECTION 24-32-3311
11 (1)(a) if the local rules are not inconsistent with state rules adopted
12 pursuant to section 24-32-3305.

13 **SECTION 11.** In Colorado Revised Statutes, **amend** 24-32-3311
14 as follows:

15 **24-32-3311. Certification of factory-built residential and**
16 **nonresidential structures.** (1) (a) Factory-built structures ~~manufactured,~~
17 CONSTRUCTED, sold, or offered for sale within this state after the effective
18 date of the rules promulgated pursuant to this part 33 ~~shall~~ MUST bear an
19 insignia of approval issued by the division and affixed by the division or
20 an authorized quality assurance representative.

21 (a.3) MANUFACTURERS OF FACTORY-BUILT STRUCTURES TO BE
22 INSTALLED IN THE STATE MUST REGISTER WITH THE DIVISION AS PROVIDED
23 IN BOARD RULES AND ARE SUBJECT TO ENFORCEMENT ACTION, INCLUDING
24 SUSPENSION OR REVOCATION OF THEIR REGISTRATION FOR FAILING TO
25 COMPLY WITH REQUIREMENTS CONTAINED IN THIS PART 33 AND BOARD
26 RULES.

27 (a.5) Factory-built structures ~~manufactured~~ CONSTRUCTED or sold
28 for transportation to and installation in another state need not bear an
29 insignia of approval issued by the division.

30 (a.7) THE DIVISION MUST CONDUCT A FULL DESIGN AND PLAN
31 REVIEW AND INSPECTION OF THE CONSTRUCTION OF FACTORY-BUILT
32 STRUCTURES TO THE EXTENT THE DESIGN AND CONSTRUCTION RELATES TO
33 WORK PERFORMED OFFSITE OR WORK THAT IS COMPLETED ONSITE USING
34 COMPONENTS SHIPPED WITH THE FACTORY-BUILT STRUCTURE AS
35 REFLECTED IN THE APPROVED PLANS FOR THE FACTORY-BUILT STRUCTURE.
36 A LOCAL GOVERNMENT MAY NOT DUPLICATE EFFORTS TO REVIEW OR
37 APPROVE THE CONSTRUCTION OF A FACTORY-BUILT STRUCTURE THAT IS
38 UNDER REVIEW OR APPROVED BY THE DIVISION NOR MAY IT CHARGE
39 BUILDING PERMIT FEES TO COVER THE COST OF PLAN REVIEWS OR
40 INSPECTIONS PERFORMED BY THE DIVISION. A LOCAL GOVERNMENT'S
41 JURISDICTION IS LIMITED TO WORK DONE ONSITE IN COMPLIANCE WITH
42 SECTION 24-32-3311 (6) AND INCLUDES ASSOCIATED PLAN REVIEW,
43 PERMITS, INSPECTIONS, AND FEES. THE DIVISION MAY AUTHORIZE A LOCAL

1 GOVERNMENT TO INSPECT AND APPROVE WORK THAT IS COMPLETED
2 ONSITE USING COMPONENTS SHIPPED WITH THE FACTORY-BUILT
3 STRUCTURE AS REFLECTED IN THE APPROVED PLANS FOR THE
4 FACTORY-BUILT STRUCTURE. A LOCAL GOVERNMENT MAY CHARGE
5 INSPECTION FEES IF AUTHORIZED TO ASSIST THE DIVISION TO INSPECT AND
6 APPROVE WORK THAT IS COMPLETED ONSITE USING COMPONENTS SHIPPED
7 WITH THE FACTORY-BUILT STRUCTURE AS REFLECTED IN THE APPROVED
8 PLANS FOR THE FACTORY-BUILT STRUCTURE.

9 (b) Rented or leased factory-built structures that are occupied on
10 or after March 1, 2009, ~~shall~~ MUST bear an insignia of approval issued by
11 the division and affixed by the division or an authorized quality assurance
12 representative.

13 (2) Factory-built residential structures ~~manufactured~~
14 CONSTRUCTED prior to March 31, 1971, ~~shall be~~ ARE subject to any
15 existing state or local government rules relating to the ~~manufacture~~
16 CONSTRUCTION of the structures.

17 (3) Factory-built nonresidential structures ~~manufactured~~
18 CONSTRUCTED prior to ~~June 31,~~ JULY 1, 1991, ~~shall be~~ ARE subject to any
19 existing state or local government rules relating to the ~~manufacture~~
20 CONSTRUCTION of the structures.

21 (4) A factory-built structure bearing an insignia of approval issued
22 by the division and affixed by the division or an authorized quality
23 assurance representative pursuant to this part 33 ~~shall be~~ IS deemed to be
24 designed and constructed in compliance with the requirements of all
25 ~~ordinances or rules, including those for electrical and plumbing,~~ CODES
26 AND STANDARDS enacted or adopted by the state ~~or by any local~~
27 ~~government~~ AND ACCOUNTING FOR ANY LOCAL GOVERNMENT
28 INSTALLATION REQUIREMENTS ADOPTED IN COMPLIANCE WITH SECTIONS
29 24-32-3310 AND 24-32-3318 that are applicable to the ~~manufacture~~
30 CONSTRUCTION of factory-built structures to the extent that the design and
31 construction relates to work performed in a factory or work that is
32 completed at a site using components shipped with the factory-built
33 structure as reflected in the approved plans for the factory-built structure.
34 The determination by the ~~board~~ DIVISION of the scope of such approval is
35 final. AN INSIGNIA OF APPROVAL AFFIXED TO THE FACTORY-BUILT
36 STRUCTURE DOES NOT EXPIRE UNLESS THE DESIGN AND CONSTRUCTION OF
37 THE FACTORY-BUILT STRUCTURE HAS BEEN MODIFIED FROM APPROVED
38 PLANS.

39 (5) No factory-built structures bearing an insignia of approval
40 issued by the division and affixed by the division or an authorized quality
41 assurance representative pursuant to this part 33 ~~shall~~ MAY be in any way
42 modified contrary to the rules promulgated pursuant to section
43 24-32-3305 prior to or during installation unless approval is first obtained

1 from the division.

2 (6) All work at a site that is unrelated to the installation of a
3 factory-built structure or components shipped with the factory-built
4 structure, including additions, modifications, and repairs to a factory-built
5 structure, ~~shall be~~ ARE subject to applicable local government rules.

6 **SECTION 12.** In Colorado Revised Statutes, **amend 24-32-3312**
7 as follows:

8 **24-32-3312. Notification and correction of defects.** A
9 manufacturer to be certified as meeting federal standards ~~shall~~ MUST
10 furnish notification of any defect in a manufactured home produced by
11 the manufacturer that the manufacturer determines, in good faith, relates
12 to a manufactured home construction or safety standard or constitutes an
13 imminent safety hazard to the purchaser of the manufactured home within
14 a reasonable time after the manufacturer has discovered the defect in
15 accordance with the provisions under the federal act or any board rule.

16 **SECTION 13.** In Colorado Revised Statutes, **amend 24-32-3313**
17 as follows:

18 **24-32-3313. Injunctive relief.** The ~~state director of housing~~
19 DIVISION may request the appropriate court to enjoin the sale or delivery
20 of any factory-built structure upon an affidavit, specifying the manner in
21 which the factory-built structure does not conform to the requirements of
22 this part 33 or the rules promulgated pursuant to this part 33. The ~~director~~
23 DIVISION may suspend the authority of a manufacturer to affix insignias
24 while injunctive relief is being sought.

25 **SECTION 14.** In Colorado Revised Statutes, **amend 24-32-3314**
26 as follows:

27 **24-32-3314. Cooperation with department of revenue.** The
28 division ~~shall~~ MAY cooperate with the department of revenue in any
29 manner feasible to ensure that the provisions of this part 33 are carried
30 out.

31 **SECTION 15.** In Colorado Revised Statutes, 24-32-3315, **amend**
32 (1), (2), (3), (4) introductory portion, (4)(c), (5), (6), and (7) as follows:

33 **24-32-3315. Installers of manufactured homes - registration**
34 **- educational requirements.** (1) (a) Any installer in this state ~~shall~~ MUST
35 first register with the division. A registered installer ~~shall be~~ IS
36 responsible for supervising all employees and for the proper and
37 competent performance of all employees working under ~~his or her~~ THEIR
38 supervision.

39 (b) Persons who ~~shall~~ ARE not ~~be~~ required to register as an
40 installer with the division include:

41 (I) A person employed by a registered or certified installer, as well
42 as a person employed by a legal or commercial entity employing a
43 registered or certified installer when performing installation functions

1 under the direct on-site supervision of the registered or certified installer.
2 and

3 (II) ~~A person who installs one manufactured home in a~~
4 ~~twelve-month period on real property owned by the person.~~

5 (c) A homeowner who installs the owner's own manufactured
6 home THAT IS A ONE- OR TWO-FAMILY DWELLING INTENDED FOR THEIR
7 OWN PERSONAL USE is not required to register as an installer with the
8 division but ~~shall~~ MUST comply with all provisions of this part 33 other
9 than registration provisions. A HOMEOWNER IS LIMITED TO THE
10 INSTALLATION OF ONE MANUFACTURED HOME IN ANY TWELVE-MONTH
11 PERIOD AND A TOTAL OF NO MORE THAN FIVE DURING THEIR LIFETIME. A
12 HOMEOWNER INSTALLING THEIR OWN HOME IS REQUIRED TO DO THEIR OWN
13 INSTALLATION WORK. IF THE HOMEOWNER HAS ANOTHER PERSON
14 PERFORM INSTALLATION WORK ON THEIR MANUFACTURED HOME, THAT
15 PERSON IS REQUIRED TO BE A REGISTERED OR CERTIFIED INSTALLER.

16 (2) Each registered installer ~~shall~~ MUST file with the division a
17 letter of credit, certificate of deposit issued by a licensed financial
18 institution, or surety bond issued by an authorized insurer in ~~the amount~~
19 ~~of ten thousand dollars~~ AN AMOUNT AND PROCESS ESTABLISHED BY THE
20 BOARD THROUGH RULE-MAKING for the performance of an installation
21 pursuant to the manufacturer's instructions or standards promulgated by
22 the division. The letter of credit, certificate of deposit, or surety bond
23 ~~shall~~ MUST be filed with the division at the same time the initial
24 application for registration is filed.

25 (3) An application for registration or certification as a
26 manufactured home installer, whether initial or renewal, ~~shall~~ MUST be
27 submitted on a form provided by the division and ~~shall be notarized and~~
28 verified by a declaration DATED AND signed under penalty of perjury by
29 the applicant. The application ~~shall~~ MUST contain, in addition to any other
30 information the division may reasonably require, the name, address, and
31 telephone number of the applicant. The division shall make the
32 application and declaration available for public inspection.

33 (4) On and after July 1, 2008, in order to be registered initially as
34 a manufactured home installer, an applicant ~~shall~~ MUST:

35 (c) Carry and provide proof of liability insurance in an amount ~~set~~
36 ~~by the division but not less than one million dollars~~ AND PROCESS
37 ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

38 (5) A registration issued pursuant to this section ~~shall be~~ IS valid
39 for one year from the date of issuance and ~~shall not~~ CANNOT be
40 transferred or assigned to another person. The amount of the registration
41 fee ~~shall~~ MUST be no more than two hundred fifty dollars. If any of the
42 application information for the registered installer changes after the
43 issuance of a registration, the registered installer ~~shall~~ MUST notify the

1 division in writing within thirty days from the date of the change. The
2 division may suspend, revoke, or deny renewal of a registration if the
3 registered installer fails to notify the division of any change in the
4 application.

5 (6) Any registered installer seeking to renew registration ~~shall~~
6 MUST, at the time of applying for renewal, provide proof of liability
7 insurance, proof of completion of ~~eight hours~~ of division-approved
8 installation education ~~within the past twelve months~~ AS ESTABLISHED BY
9 THE BOARD THROUGH RULE-MAKING, and a letter of credit, certificate of
10 deposit, or surety bond for the registration term in compliance with
11 subsections (2) and (4) of this section.

12 (7) (a) Any registered installer who has performed five
13 installations that have passed inspection by the division may apply to the
14 division for certification. The division ~~shall~~ WILL issue certification to
15 qualified registered installers. The division ~~shall not~~ CANNOT charge a fee
16 for certification of installers.

17 (b) ~~Installations performed by certified installers shall only be~~
18 ~~inspected by the division or an independent contractor upon the written~~
19 ~~request of the owner, installer, manufacturer, or retailer. The owner,~~
20 ~~installer, manufacturer, or retailer shall have the right to be present at any~~
21 ~~inspection.~~

22 **SECTION 16.** In Colorado Revised Statutes, **add** 24-32-3315.5
23 as follows:

24 **24-32-3315.5. Contract for the installation of manufactured**
25 **homes - requirements.** (1) A REGISTERED OR CERTIFIED INSTALLER MUST
26 PROVIDE A CONTRACT FOR THE INSTALLATION OF EACH MANUFACTURED
27 HOME AND MAKE THE FOLLOWING DISCLOSURES IN ANY CONTRACT FOR
28 THE INSTALLATION OF A MANUFACTURED HOME:

29 (a) THAT THE INSTALLER HAS A LETTER OF CREDIT, CERTIFICATE
30 OF DEPOSIT, OR SURETY BOND FILED WITH THE DIVISION FOR THE
31 PERFORMANCE OF THE INSTALLATION OF THE MANUFACTURED HOME;

32 (b) THAT AN AGGRIEVED PERSON MAY FILE A COMPLAINT WITH THE
33 DIVISION CONCERNING THE PERFORMANCE OF THE INSTALLATION OF THE
34 MANUFACTURED HOME, INCLUDING MAKING A CLAIM AGAINST THE LETTER
35 OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND FILED WITH THE
36 DIVISION; AND

37 (c) THAT AN AGGRIEVED PERSON MAY BRING A CIVIL ACTION
38 PURSUANT TO THE "COLORADO CONSUMER PROTECTION ACT", SECTION
39 6-1-105 (1)(ss), TO REMEDY VIOLATIONS OF THE INSTALLATION
40 REQUIREMENTS IN THIS PART 33. HOWEVER, DAMAGES ARE LIMITED IN
41 ACCORDANCE WITH SECTION 6-1-113 (2.7).

42 (2) ANY INSTALLER WHO FAILS TO PROVIDE A CONTRACT AS
43 REQUIRED BY THIS SECTION, INCLUDING ALL DISCLOSURES IS SUBJECT TO

1 THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY THE DIVISION.

2 **SECTION 17.** In Colorado Revised Statutes, **amend 24-32-3316**
3 as follows:

4 **24-32-3316. Compliance with manufacturer's installation**
5 **instructions.** (1) EXCEPT AS PROVIDED BY SUBSECTION (2) OR (3) OF THIS
6 SECTION, any installation of a manufactured home in this state shall be
7 performed in strict accordance with the applicable manufacturer's
8 installation instructions. A COPY OF THE MANUFACTURER'S INSTRUCTIONS
9 OR THE STANDARDS PROMULGATED BY THE DIVISION MUST BE AVAILABLE
10 AT THE TIME OF INSTALLATION AND INSPECTION.

11 (2) IF, IN THE EXERCISE OF REASONABLE PROFESSIONAL JUDGMENT,
12 THE INSTALLER IDENTIFIES ANY REASON WHY STRICT COMPLIANCE WITH
13 THE MANUFACTURER'S INSTALLATION INSTRUCTIONS WOULD CAUSE HARM
14 OR WOULD OTHERWISE BE UNSUITED TO THE PARTICULAR
15 CIRCUMSTANCES, THE INSTALLER MUST CONTACT THE DIVISION ABOUT
16 HOW TO PROCEED.

17 (3) ~~Where the~~ If a manufacturer's INSTALLATION instructions are
18 not AVAILABLE OR applicable TO A PARTICULAR INSTALLATION, THE
19 installation ~~shall be in accordance~~ MUST PROCEED IN COMPLIANCE WITH
20 standards promulgated by the division. ~~A copy of the manufacturer's~~
21 ~~instructions or the standards promulgated by the division shall be~~
22 ~~available at the time of installation and inspection.~~

23 **SECTION 18.** In Colorado Revised Statutes, **amend 24-32-3317**
24 as follows:

25 **24-32-3317. Installation of manufactured homes - certificates**
26 **- inspections - inspector qualification and education requirements -**
27 **rules.** (1) Before beginning the installation of a manufactured home, the
28 owner or registered installer of a manufactured home ~~shall make an~~
29 ~~application for an installer's certificate~~ MUST SUBMIT A REQUEST TO THE
30 DIVISION AND RECEIVE AN INSTALLATION AUTHORIZATION from the
31 division ON A DIVISION-APPROVED FORM, UNLESS THE INSTALLATION IS
32 OCCURRING IN A JURISDICTION WHERE A LOCAL GOVERNMENT IS
33 PARTICIPATING AS AN INDEPENDENT CONTRACTOR, IN WHICH CASE THE
34 OWNER OR REGISTERED INSTALLER IS TO FOLLOW THE LOCAL
35 GOVERNMENT'S PROCESS FOR RECEIVING AUTHORIZATION TO INSTALL A
36 MANUFACTURED HOME.

37 (2) The division may certify any installer who provides evidence
38 of five or more installations of manufactured homes performed by the
39 installer for which ~~certificates~~ INSTALLATION AUTHORIZATIONS have
40 previously been issued pursuant to this section when, in the judgment of
41 the division, the installer has demonstrated the ability to successfully
42 complete installations of manufactured homes in accordance with the
43 requirements of this part 33.

1 (2.3) An installer certified by the division ~~may, at the time of~~
2 ~~obtaining~~ IS NOT REQUIRED TO OBTAIN an installation ~~certificate required~~
3 ~~by subsection (1) of this section~~; AUTHORIZATION FROM THE DIVISION,
4 BUT IS REQUIRED TO obtain a ~~standard form of certificate of installation to~~
5 ~~be completed by the certified installer~~ AUTHORIZATION TO INSTALL A
6 MANUFACTURED HOME FROM ANY LOCAL GOVERNMENT PARTICIPATING AS
7 AN INDEPENDENT CONTRACTOR. AN INSTALLATION INSIGNIA ISSUED BY
8 THE DIVISION IS TO BE AFFIXED ON THE MANUFACTURED HOME BY THE
9 CERTIFIED INSTALLER upon completion of the installation of the
10 manufactured home in accordance with the requirements of this part 33
11 ~~The certified installer shall, upon attachment of the certificate of~~
12 ~~installation to the manufactured home, transmit a report of the certificate~~
13 ~~to the division.~~ AND BOARD RULES IN ANY JURISDICTION NOT
14 PARTICIPATING AS AN INDEPENDENT CONTRACTOR.

15 (2.5) THE DIVISION OR INDEPENDENT CONTRACTOR WILL AFFIX AN
16 INSTALLATION INSIGNIA UPON PASSING AN INSPECTION OF AN
17 INSTALLATION THAT WAS COMPLETED IN ACCORDANCE WITH THE
18 REQUIREMENTS OF THIS PART 33 AND BOARD RULES. A LOCAL
19 GOVERNMENT PARTICIPATING AS AN INDEPENDENT CONTRACTOR IS TO
20 AUTHORIZE, INSPECT, AND CERTIFY ALL INSTALLATIONS OCCURRING IN ITS
21 JURISDICTION ON BEHALF OF THE DIVISION, INCLUDING ANY PERFORMED
22 BY A CERTIFIED INSTALLER.

23 (2.7) ANY INSTALLATIONS CERTIFIED ON BEHALF OF THE DIVISION
24 BY A CERTIFIED INSTALLER OR INDEPENDENT CONTRACTOR MUST BE
25 REPORTED TO THE DIVISION IN A MANNER SPECIFIED BY THE DIVISION.

26 (2.9) The division or independent contractor at the request of the
27 division may, at the division's sole discretion, inspect the installation of
28 any manufactured home performed by a certified installer pursuant to this
29 ~~subsection (2)~~ SUBSECTION (2.9) and may require the certified installer to
30 correct, within a period established by rule promulgated by the board, any
31 defects or deficiencies in the installation. The division may revoke the
32 certification of any installer certified pursuant to this ~~subsection (2)~~
33 SUBSECTION (2.9) when, in the judgment of the division, the installer has
34 performed installations of a manufactured home in violation of the
35 requirements of this part 33. Any installer whose certification has been so
36 revoked may apply for recertification in accordance with rules
37 promulgated by the division.

38 (3) (a) The division may FINE, suspend, or revoke the registration
39 of a registered installer if the installer fails to:

40 (I) Comply with the registration requirements of section
41 24-32-3315; or

42 (II) Otherwise pay to the owner or occupant of a manufactured
43 home:

1 (A) The cost of an inspection that fails to meet the requirements
2 of the manufacturer's instructions or the standards promulgated by the
3 division OR ANY SUBSEQUENT REQUIRED INSPECTION;
4 (B) The cost of any subsequent repairs that are necessary to bring
5 the installation into compliance with the manufacturer's instructions or the
6 standards promulgated by the division; or
7 (C) ~~The cost of subsequent required inspections~~ A REFUND OF ANY
8 MONEY PAID UP FRONT THAT DID NOT RESULT IN A COMPLETE
9 INSTALLATION OF THE MANUFACTURED HOME OR THE COST OF
10 COMPLETING THE INSTALLATION BY A DIFFERENT REGISTERED INSTALLER.
11 (b) ~~The division may execute a performance bond on behalf of an~~
12 ~~owner~~ A FINANCIAL INSTITUTION OR AUTHORIZED INSURER IS REQUIRED
13 TO MAKE PAYMENT TO THE DIVISION MAKING A CLAIM AGAINST THE
14 LETTER OF CREDIT, CERTIFICATE OF DEPOSIT, OR SURETY BOND IF A COURT
15 OF COMPETENT JURISDICTION HAS RENDERED A FINAL JUDGMENT IN FAVOR
16 OF THE DIVISION BASED ON A FINDING THAT THE REGISTERED INSTALLER
17 FAILED TO PERFORM ON THE INSTALLATION OF THE MANUFACTURED HOME
18 AS REQUIRED BY THIS PART 33 OR BOARD RULES OR UPON A CEASING OF
19 BUSINESS OPERATIONS OR A BANKRUPTCY FILING BY THE REGISTERED
20 INSTALLER. ANY INSTALLER WHO FAILS TO PROVIDE A LETTER OF CREDIT,
21 CERTIFICATE OF DEPOSIT, OR SURETY BOND AS REQUIRED BY SECTION
22 24-32-3315 (2) AND (6) OR WHO OTHERWISE FAILS TO PAY ANY JUDGMENT
23 BY A COURT OF COMPETENT JURISDICTION IN FAVOR OF THE DIVISION IS
24 SUBJECT TO THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY
25 THE DIVISION.
26 (c) THE DIVISION MAY ALSO TAKE ENFORCEMENT ACTION ON THE
27 REGISTRATION OF AN INSTALLER FOR FAILING TO COMPLY WITH ANY
28 OTHER INSTALLATION REQUIREMENTS CONTAINED IN THIS PART 33 AND
29 ANY BOARD RULES.
30 (4) An owner ~~and~~ OR a registered installer ~~shall~~ MUST display an
31 ~~installer's certificate~~ INSTALLATION AUTHORIZATION at the site of a
32 manufactured home to be installed until ~~a certificate of installation~~ AN
33 INSTALLATION INSIGNIA is issued by the division OR INDEPENDENT
34 CONTRACTOR, UNLESS THE INSTALLATION IS OCCURRING IN A
35 JURISDICTION WHERE A LOCAL GOVERNMENT IS PARTICIPATING AS AN
36 INDEPENDENT CONTRACTOR, IN WHICH CASE THE OWNER OR REGISTERED
37 INSTALLER IS TO FOLLOW THE LOCAL GOVERNMENT'S PROCESS FOR
38 IDENTIFYING A MANUFACTURED HOME TO BE INSTALLED UNTIL THE
39 DIVISION'S INSTALLATION INSIGNIA IS ISSUED BY THE LOCAL GOVERNMENT.
40 (5) (a) The division shall adopt rules that specify a standard form
41 to be used statewide by the division or an independent contractor as a
42 certificate of installation certifying that a manufactured home was
43 installed in compliance with the provisions of this part 33. However, the

1 certificate of installation applies only to installation of a manufactured
2 home built in a factory and components shipped with the manufactured
3 home as reflected in the approved plans for the manufactured home. The
4 certificate of installation ~~shall~~ MUST include but not be limited to the
5 following:

- 6 (I) The name, address, and telephone number of the division;
- 7 (II) The date the installation was completed; and
- 8 (III) The name, address, telephone number, and registration
9 number of the registered installer who performed the installation.

10 (b) If a vacant manufactured home fails an installation inspection
11 because of conditions that endanger the health or safety of the occupant,
12 the manufactured home ~~shall not~~ CANNOT be occupied. If a manufactured
13 home fails an installation inspection because of conditions that do not
14 endanger the health or safety of the occupant, the manufactured home
15 may be occupied pending the correction of those defects or deficiencies
16 that served as the basis of the failed inspection.

17 (6) In addition to inspections performed pursuant to ~~subsection (2)~~
18 SUBSECTION (2.9) of this section, the division or the independent
19 contractor that performs inspections and enforcement of proper
20 installation of manufactured homes may inspect the installation of a
21 manufactured home upon request filed by the owner, installer,
22 manufacturer, or ~~retailer~~ SELLER of the manufactured home. The
23 inspection ~~shall~~ MUST be paid for by the party that requested the
24 inspection.

25 (7) If the installation of a manufactured home by an installer has
26 failed the inspection conducted by the division or the independent
27 contractor and it is determined by the division or the independent
28 contractor that the installer has violated any of the installation standards
29 promulgated by the division, the installer ~~shall~~ MUST reimburse the party
30 requesting the inspection for the cost of the failed inspection and ~~shall~~
31 MUST pay for any subsequent repairs necessary to bring the installation
32 into compliance with the manufacturer's instructions or standards
33 promulgated by the division. The installer ~~shall~~ MUST also pay for any
34 subsequent inspections required by the division or the independent
35 contractor. Failure of the installer to pay for any inspections or
36 subsequent repairs deemed necessary by the division or the independent
37 contractor shall result in the forfeiture of the installer's performance bond
38 on behalf of the owner of the manufactured home.

39 (8) The division may authorize an independent contractor to
40 perform inspections and enforcement of proper installation of
41 manufactured homes. The division may provide training for independent
42 contractors. Independent contractors ~~shall~~ MUST be certified by the
43 division to perform installation inspections. The division ~~shall~~ MUST

1 establish by rule the qualifications of an inspector and the areas of
2 expertise necessary for inspecting manufactured homes. On and after July
3 1, 2008, a new inspector must pass a division-approved installation test.
4 The qualifications for an inspector include but are not limited to those of
5 a professional civil engineer or local housing inspector or independent
6 contractor. Commencing in 2009, inspectors ~~shall~~ MUST also complete,
7 and maintain records of the completion of, ~~either:~~ OF DIVISION-APPROVED
8 EDUCATION AS ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

9 (a) ~~Twelve hours of division-approved education and twelve hours~~
10 ~~of international code council education every three calendar years; or~~

11 (b) ~~Twenty-four hours of division-approved education every three~~
12 ~~calendar years.~~

13 (9) If an installation or subsequent repair of an installation by an
14 installer fails to meet the standards promulgated by the division within a
15 period determined by the division, the division ~~shall~~ MUST investigate the
16 actions of the installer. The division may revoke, suspend, or refuse to
17 renew the registration or certification of the installer for failing to comply
18 with the division's standards regarding installation of a manufactured
19 home. Any independent contractor that knows of an installer whose
20 installations fail inspection and have not been cured by subsequent repair
21 ~~shall~~ MUST request that the division investigate the installer.

22 (10) The ~~division shall~~ BOARD MUST adopt rules concerning:

23 (a) A standard installer inspection form to be used statewide by
24 the division or an independent contractor that performs manufactured
25 home installation inspection and enforcement activities;

26 (b) Certification requirements for independent contractors to use
27 to inspect installations;

28 (c) Proper installation inspection and enforcement standards;

29 (d) A standard certificate of installation to be used statewide by
30 the division; and

31 (e) Any other rule necessary for the implementation of
32 manufactured home installation requirements in this part 33.

33 **SECTION 19.** In Colorado Revised Statutes, **amend** 24-32-3318
34 as follows:

35 **24-32-3318. Local installation standards preempted.** A local
36 government ~~unit~~ may not adopt less stringent standards for the installation
37 of a manufactured home than those promulgated by the division. A local
38 government ~~unit~~ may not, without express consent by the division, adopt
39 different standards than the standards for the installation of a
40 manufactured home promulgated by the division. Nothing in this section
41 ~~shall~~ MAY preclude a local government ~~unit~~ from enacting standards for
42 ~~manufactured~~ MOBILE OR MODULAR homes concerning unique public
43 safety requirements RELATED TO GEOGRAPHIC OR CLIMATIC CONDITIONS,

1 such as weight restrictions for ROOF snow loads or wind shear factors, as
2 otherwise permitted by law. A LOCAL GOVERNMENT MAY NOT IMPOSE
3 WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS OR WIND SHEAR FACTORS
4 ON A MANUFACTURED HOME BUILT TO THE FEDERAL MANUFACTURED
5 HOME CONSTRUCTION AND SAFETY STANDARDS THAT ARE DIFFERENT
6 FROM WHAT HAS BEEN ZONED FOR THE STATE OF COLORADO BY THE
7 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
8 PURSUANT TO THE FEDERAL ACT OR IMPOSE ANY OTHER REQUIREMENTS
9 THAT WOULD IMPACT THE DESIGN AND CONSTRUCTION OF THE HOME,
10 UNLESS AN EXEMPTION HAS BEEN GRANTED FOR THAT JURISDICTION BY
11 THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN
12 DEVELOPMENT. NOTHING IN THIS SECTION PROHIBITS A LOCAL
13 GOVERNMENT FROM REQUIRING ONSITE MITIGATION TO ADDRESS UNIQUE
14 PUBLIC SAFETY REQUIREMENTS RELATED TO GEOGRAPHIC AND CLIMATIC
15 CONDITIONS, SUCH AS WEIGHT RESTRICTIONS FOR ROOF SNOW LOADS AND
16 WIND SHEAR FACTORS, ON A MANUFACTURED HOME BUILT TO THE
17 FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS,
18 SO LONG AS THERE IS NO INTERFERENCE WITH THE FEDERAL STANDARDS
19 FOR THE DESIGN AND CONSTRUCTION OF THE MANUFACTURED HOME.

20 **SECTION 20.** In Colorado Revised Statutes, **amend** 24-32-3319
21 as follows:

22 **24-32-3319. Prohibited acts.** It shall be unlawful for any person
23 to perform an installation without regard to whether the person receives
24 compensation, except as provided in this part 33. Any intentional
25 violation of the installation provisions of this part 33 constitutes a
26 deceptive trade practice subject to ~~the provisions of article 1 of title 6;~~
27 ~~C.R.S.~~ SECTION 6-1-105 (1)(ss) AND THE "COLORADO CONSUMER
28 PROTECTION ACT", ARTICLE 1 OF TITLE 6. However, damages ~~shall~~ MUST
29 be limited in accordance with ~~the provisions of~~ section 6-1-113 (2.7).
30 ~~C.R.S.~~

31 **SECTION 21.** In Colorado Revised Statutes, **amend** 24-32-3320
32 as follows:

33 **24-32-3320. Penalty for violation.** Any person found to have
34 performed an installation in a manner contrary to the requirements of this
35 part 33 ~~shall be~~ IS subject to revocation or suspension of an installer's
36 registration, fines, or any other measures as prescribed by rule
37 promulgated by the division or other applicable Colorado law. THE
38 DIVISION MAY ISSUE A FINE OF UP TO ONE THOUSAND DOLLARS FOR EACH
39 VIOLATION. Multiple violations of this part 33 committed during a single
40 installation ~~shall constitute~~ CONSTITUTES one violation. Each installation
41 performed in violation of this part 33 ~~shall~~ WILL constitute a separate
42 violation. Fines ~~shall~~ MUST be paid to the division and transmitted to the
43 state treasurer who ~~shall~~ MUST credit the fees to the building regulation

1 fund created in section 24-32-3309.

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

4 **24-32-3321. Investigations of consumer complaints.** The
5 division may investigate complaints filed by owners, occupants, or other
6 consumers relating to the CONSTRUCTION OF FACTORY-BUILT STRUCTURES
7 AND MANUFACTURED HOMES, AND THE SALE OR installation of
8 manufactured homes as necessary to enforce and administer this part 33.

9 **SECTION 23.** In Colorado Revised Statutes, **amend** 24-32-3322
10 as follows:

11 **24-32-3322. Training of inspectors - acceptance of gifts,**
12 **grants, and donations.** (1) On and after July 1, 2000, the division ~~shall~~
13 MUST train independent contractors to perform installation inspections for
14 manufactured homes. The training ~~shall~~ MUST enable independent
15 contractors who successfully complete the training to become certified by
16 the division.

17 (2) On and after July 1, 2000, the division may accept gifts,
18 grants, or donations for the training of independent contractors. The gifts,
19 grants, or donations received ~~shall~~ MUST be transmitted to the state
20 treasurer who ~~shall~~ MUST credit the ~~moneys~~ MONEY to the building
21 regulation fund created in section 24-32-3309.

22 **SECTION 24.** In Colorado Revised Statutes, 24-32-3323, **amend**
23 (1), (2), (3), (4) introductory portion, (4)(c), and (4)(d); and **add** (4)(e) as
24 follows:

25 **24-32-3323. Sellers of manufactured homes - registration.**
26 (1) ~~Any person whose business involves the sale of manufactured homes~~
27 ~~shall be~~ SELLER IS required to register with the division before engaging
28 in the business of selling manufactured homes TO BE INSTALLED in
29 Colorado. ~~Any person who wishes to engage in the business of selling~~
30 ~~manufactured homes in Colorado through advertising or sales activities~~
31 ~~but who does not operate a retail location in Colorado shall obtain a~~
32 ~~single registration. Any person who wishes to engage in the business of~~
33 ~~selling manufactured homes from one or more retail locations in Colorado~~
34 ~~shall obtain a separate registration for each location. The registration~~
35 ~~requirements of this section shall not apply to any individual who, for a~~
36 ~~salary, commission, or compensation of any kind, is employed directly or~~
37 ~~indirectly by any registered manufactured home seller to sell or negotiate~~
38 ~~for the sale of manufactured homes.~~

39 (2) An application for a registration or renewal required by this
40 section ~~shall~~ MUST be submitted on a form provided by the division and
41 ~~shall~~ MUST be verified by a declaration signed AND DATED, under penalty
42 of perjury, by a principal of the manufactured home seller. The
43 application ~~shall~~ MUST contain, in addition to such other information

1 regarding the conduct of the manufactured home seller's business as the
2 division may reasonably require, the name, address, and position of each
3 principal of the manufactured home seller and each person who exercises
4 management responsibilities as part of the manufactured home seller's
5 business activities. The application ~~shall~~ MUST also contain the address
6 and telephone number of each retail location operated by the applicant as
7 well as the location and account number of the separate fiduciary account
8 required by section 24-32-3324 (1) AND ANY BOARD RULES. The
9 ~~declaration shall specify the date and location of the signing, and the~~
10 ~~division shall~~ MUST preserve the application and declaration and make
11 them available for public inspection.

12 (3) A registration issued pursuant to subsection (2) of this section
13 ~~shall be~~ IS valid for one year after the date of issuance. The amount of the
14 registration fee ~~shall~~ CANNOT be ~~no~~ more than two hundred dollars. If,
15 after issuance of a registration, any of the required information submitted
16 with the application for the registration pursuant to subsection (2) of this
17 section becomes inaccurate, a principal of the manufactured home seller
18 ~~shall~~ MUST notify the division in writing of the inaccuracy within thirty
19 days and provide the division with accurate updated information.

20 (4) For purposes of this section, a person is not ~~engaged in the~~
21 ~~business of selling manufactured homes~~ A SELLER if the person:

22 (c) Sells a manufactured home for salvage or nonresidential use;
23 ~~or~~

24 (d) Directly or indirectly sells, in any calendar year, three or fewer
25 previously occupied manufactured homes that are owned by a
26 manufactured home park owner and are located within one or more
27 manufactured home parks in Colorado; OR

28 (e) FOR A SALARY, COMMISSION, OR COMPENSATION OF ANY KIND,
29 IS EMPLOYED DIRECTLY OR INDIRECTLY BY ANY REGISTERED
30 MANUFACTURED HOME SELLER TO SELL OR NEGOTIATE FOR THE SALE OF
31 MANUFACTURED HOMES.

32 **SECTION 25.** In Colorado Revised Statutes, **amend** 24-32-3324
33 as follows:

34 **24-32-3324. Escrow and bonding requirements.** (1) Any
35 person required to register with the division pursuant to section
36 24-32-3323 ~~shall~~ MUST COMPLY WITH ANY escrow ~~all manufactured home~~
37 ~~sale down payments in a separate fiduciary account in a bank or trust~~
38 ~~company that does business in the state of Colorado until the~~
39 ~~manufactured home is delivered to the purchaser~~ REQUIREMENTS AS
40 ESTABLISHED BY THE BOARD THROUGH RULEMAKING.

41 (2) A ~~person required to register with the division pursuant to~~
42 ~~section 24-32-3323 shall~~ SELLER MUST provide a letter of credit,
43 certificate of deposit issued by a licensed financial institution, or surety

1 bond issued by an authorized insurer FOR EACH MANUFACTURED HOME
2 UNDER CONTRACT in the AN amount of fifty thousand dollars and
3 conditioned upon the person's refund of any home sale down payment in
4 accordance with the terms of the contract pursuant to which the payment
5 was received. A person required to register with the division pursuant to
6 section 24-32-3323 who wishes to engage in the business of selling
7 manufactured homes from one or more retail locations in Colorado need
8 not provide a separate letter of credit, certificate of deposit, or surety bond
9 for each retail location, but may meet the requirements of this section by
10 providing a single letter of credit, certificate of deposit, or surety bond.
11 The letter of credit, certificate of deposit, or surety bond shall be filed
12 with the division at the same time as the initial application for registration
13 and shall be drawn in favor of the attorney general for the use of the
14 people of Colorado. At least once per month, the division shall send the
15 attorney general an updated list of all persons registered and bonded
16 pursuant to the requirements of this part 33. The letter of credit,
17 certificate of deposit, or surety bond shall be revocable only upon the
18 written consent of the attorney general. However, a AND PROCESS
19 ESTABLISHED BY THE BOARD THROUGH RULEMAKING. A financial
20 institution or authorized insurer shall only be IS required to make payment
21 to a person THE DIVISION making a claim against the letter of credit,
22 certificate of deposit, or surety bond if a court of competent jurisdiction
23 has rendered a final judgment in favor of such person THE DIVISION based
24 on a finding that the registered person SELLER failed to DELIVER THE
25 MANUFACTURED HOME OR refund a manufactured home down payment
26 PAYMENTS MADE TOWARD THE PURCHASE OF THE MANUFACTURED HOME
27 PURSUANT TO THIS PART 33 OR BOARD RULES or provide a reasonable per
28 diem living expense in violation of the contractual provisions required by
29 section 24-32-3325 or upon a ceasing of business operations or a
30 bankruptcy filing by the registered person. SELLER. Any person who is
31 required to register with the division pursuant to section 24-32-3323 and
32 SELLER who fails to provide a letter of credit, certificate of deposit, or
33 surety bond as required by this subsection (2) or who otherwise fails to
34 pay any judgment by a court of competent jurisdiction in favor of a
35 purchaser of a manufactured home shall be THE DIVISION IS subject to the
36 suspension or revocation of the registration by the division.

37 **SECTION 26.** In Colorado Revised Statutes, amend 24-32-3325
38 as follows:

39 **24-32-3325. Contract for sale of manufactured home -**
40 **requirements.** (1) A seller who is required to register with the division
41 pursuant to section 24-32-3323 shall MUST PROVIDE A CONTRACT WITH
42 THE SALE OF EACH MANUFACTURED HOME AND make the following
43 disclosures in any contract for the sale of a manufactured home:

1 (a) That the ~~buyer~~ PURCHASER may have no legal right to rescind
2 the contract absent delinquent delivery of the manufactured home or the
3 existence of a specific right of rescission set forth in the contract;

4 (b) ~~That IF REQUIRED TO MAINTAIN AN ESCROW ACCOUNT BY THE~~
5 ~~DIVISION, the seller has a separate fiduciary account for the escrow of~~
6 ~~home sale down payments pending delivery of the manufactured home~~ IN
7 COMPLIANCE WITH BOARD RULES and a letter of credit, certificate of
8 deposit, or surety bond ~~filed with the division for the repayment of home~~
9 ~~sale down payments pending delivery of manufactured homes~~ IN AN
10 AMOUNT REQUIRED IN BOARD RULES;

11 (c) That an aggrieved person may file a complaint for a refund of
12 ~~a down~~ ANY payment held in escrow by a seller of manufactured homes
13 against the seller with the ~~attorney general or with the district attorney for~~
14 ~~the district in which the sale occurs~~ DIVISION; and

15 (d) That an aggrieved person may bring a civil action pursuant to
16 the provisions of the "Colorado Consumer Protection Act", ~~article 1 of~~
17 ~~title 6, C.R.S.,~~ SECTION 6-1-709 to remedy violations of manufactured
18 home seller requirements in this part 33. HOWEVER, DAMAGES ARE
19 LIMITED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6-1-113(2.5).

20 (2) A contract for the sale of a manufactured home by a ~~person~~
21 ~~who is required to register with the division pursuant to section~~
22 ~~24-32-3323 shall~~ SELLER MUST ALSO contain the following provisions:

23 (a) A date certain for the delivery of the manufactured home or a
24 listing of specified delivery preconditions that must occur before a date
25 certain for delivery can be determined; ~~and~~

26 (b) A statement that if delivery of the manufactured home is
27 delayed by more than sixty days after the delivery date specified in the
28 contract of sale or by more than sixty days after the delivery preconditions
29 set forth in the contract of sale have been met if no date certain for
30 delivery has been set, the seller will either refund the manufactured home
31 sale down payment or provide a reasonable per diem living expense to the
32 buyer for the days between the delivery date specified in the contract or
33 the sixty-first day after the delivery preconditions set forth in the contract
34 have been met, whichever is applicable, and the actual date of delivery,
35 unless the delay in delivery is unavoidable or caused by the buyer; AND

36 (c) AN AGREED UPON LOCATION FOR DELIVERY OF THE
37 MANUFACTURED HOME TO THE PURCHASER.

38 (3) ANY SELLER WHO FAILS TO PROVIDE A CONTRACT AS REQUIRED
39 BY THIS SECTION, INCLUDING ALL DISCLOSURES AND PROVISIONS IS
40 SUBJECT TO THE SUSPENSION OR REVOCATION OF THE REGISTRATION BY
41 THE DIVISION.

42 **SECTION 27.** In Colorado Revised Statutes, 24-32-3326, **amend**
43 (1) introductory portion, (1)(b), (1)(c), and (1)(d); and **add** (2) as follows:

1 **24-32-3326. Unlawful manufactured home sale practices.**

2 (1) ~~Any person who is required to register with the division pursuant to~~
3 ~~section 24-32-3323~~ A SELLER engages in an unlawful manufactured home
4 sale practice when the person:

5 (b) Fails to comply with the escrow and bonding requirements of
6 ~~section~~ SECTIONS 24-32-3323 (2.5), 24-32-3324, OR BOARD RULES;

7 (c) Fails to PROVIDE AND include in any contract for the sale of a
8 manufactured home any of the disclosures or contract provisions required
9 by section 24-32-3325; or

10 (d) Fails to refund ~~a manufactured home down payment~~ ANY
11 PAYMENTS MADE TOWARD THE PURCHASE OF THE HOME or provide a
12 reasonable per diem living expense in violation of the contractual
13 provisions required by section 24-32-3325 (2)(b).

14 (2) ANY PERSON FOUND TO BE SELLING OR HAVE SOLD A
15 MANUFACTURED HOME IN A MANNER CONTRARY TO THE REQUIREMENTS
16 OF THIS PART 33 IS SUBJECT TO REVOCATION OR SUSPENSION OF A SELLER'S
17 REGISTRATION, FINES, OR ANY OTHER MEASURES AS PRESCRIBED BY RULE
18 PROMULGATED BY THE DIVISION OR OTHER APPLICABLE COLORADO LAW.
19 THE DIVISION MAY ISSUE A FINE OF UP TO TEN THOUSAND DOLLARS FOR
20 EACH VIOLATION. MULTIPLE VIOLATIONS OF THIS PART 33 COMMITTED
21 DURING A SINGLE SALE CONSTITUTE ONE VIOLATION. EACH SALE
22 PERFORMED IN VIOLATION OF THIS PART 33 CONSTITUTES A SEPARATE
23 VIOLATION. FINES MUST BE PAID TO THE DIVISION AND TRANSMITTED TO
24 THE STATE TREASURER WHO MUST CREDIT THE FEES TO THE BUILDING
25 REGULATION FUND CREATED IN SECTION 24-32-3309.

26 **SECTION 28.** In Colorado Revised Statutes, 24-32-3327, **amend**
27 (1) introductory portion, (1)(b), (1)(c), (1)(d), (2), and (3) as follows:

28 **24-32-3327. Inspections.** (1) For the purposes of enforcement of
29 this part 33, persons duly designated by the ~~state director of housing~~
30 DIVISION, upon presenting appropriate credentials to the owner, operator,
31 or agent in charge, are authorized:

32 (b) To inspect at reasonable times, within reasonable limits, and
33 in a reasonable manner, any factory, warehouse, or establishment in
34 which manufactured homes or factory-built structures are manufactured,
35 stored, or held for sale and to inspect any books, papers, records, and
36 documents that relate to the safety of manufactured homes or factory-built
37 structures. Each inspection ~~shall~~ MUST be commenced and completed with
38 reasonable promptness;

39 (c) To enter AND INSPECT, at reasonable times and without
40 advance notice any site on which manufactured housing is or has been
41 installed ~~for the first time for residential use~~ OR REINSTALLED AT OR NEAR
42 THE TIME OF INSTALLATION OR REINSTALLATION; and

43 (d) To inspect ~~at reasonable times, within reasonable limits, and~~

1 ~~in a reasonable manner any initial residential use installation and inspect~~
2 any books, papers, records, and documents that relate to the proper
3 installation of manufactured housing.

4 (2) In addition to any other inspection responsibilities, the division
5 ~~shall have~~ HAS the responsibility for the electrical inspections of any
6 factory-built structures in plants that are certified by the division pursuant
7 to this part 33.

8 (3) When acting as agent for the federal government, the division
9 is authorized to conduct inspections and investigations pursuant to this
10 section as may be necessary to promulgate or enforce federal
11 manufactured home construction and safety standards established under
12 the federal act or otherwise to carry out its duties under its agreement as
13 agent. The division ~~shall~~ MUST furnish the secretary any information
14 obtained indicating noncompliance with the standards for appropriate
15 action.

16 **SECTION 29.** In Colorado Revised Statutes, 30-28-115, **amend**
17 (3)(b)(I) and (3)(b)(III); and **repeal** (3)(a)(I) as follows:

18 **30-28-115. Public welfare to be promoted - legislative**
19 **declaration - construction.** (3) (a) As used in this subsection (3), unless
20 the context otherwise requires:

21 (I) ~~"Manufactured home" means a single family dwelling which:~~
22 ~~(A) Is partially or entirely manufactured in a factory;~~
23 ~~(B) Is not less than twenty-four feet in width and thirty-six feet in~~
24 ~~length;~~

25 ~~(C) Is installed on an engineered permanent foundation;~~
26 ~~(D) Has brick, wood, or cosmetically equivalent exterior siding~~
27 ~~and a pitched roof; and~~

28 ~~(E) Is certified pursuant to the "National Manufactured Housing~~
29 ~~Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.,~~
30 ~~as amended.~~

31 (b) (I) No county ~~shall~~ MAY have or enact zoning regulations,
32 subdivision regulations, or any other regulation affecting development
33 which exclude or have the effect of excluding **manufactured** homes from
34 the county ~~if such homes~~ THAT ARE:

35 (A) HOMES CERTIFIED BY THE DIVISION OF HOUSING CREATED IN
36 SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT ON ITS BEHALF;

37 (B) HOMES CERTIFIED BY THE UNITED STATES DEPARTMENT OF
38 HOUSING AND URBAN DEVELOPMENT THROUGH ITS OFFICE OF
39 MANUFACTURED HOUSING PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY
40 AUTHORIZED TO ACT ON ITS BEHALF; OR

41 (C) HOMES THAT meet or exceed, on an equivalent performance
42 engineering basis, standards established by the county building code.

43 (III) Nothing in this subsection (3) shall preclude any county from

1 enacting county building code provisions for unique public safety
2 requirements such as snow load roof, wind shear, and energy
3 conservation factors, UNLESS THE HOME IS CERTIFIED BY THE DIVISION OF
4 HOUSING CREATED IN SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT
5 ON ITS BEHALF OR THE UNITED STATES DEPARTMENT OF HOUSING AND
6 URBAN DEVELOPMENT THROUGH ITS OFFICE OF MANUFACTURED HOUSING
7 PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY AUTHORIZED TO ACT ON
8 ITS BEHALF. A COUNTY MUST COMPLY WITH SECTION 24-32-3318 WHEN
9 ENACTING BUILDING CODE PROVISIONS FOR A MANUFACTURED HOME AS
10 DEFINED IN SECTION 24-32-3302 (20).

11 **SECTION 30.** In Colorado Revised Statutes, 31-23-301, **amend**
12 (5)(b)(I) and (5)(b)(III); and **repeal** (5)(a)(I) as follows:

13 **31-23-301. Grant of power.** (5) (a) As used in this subsection
14 (5), unless the context otherwise requires:

15 (I) ~~"Manufactured home" means a single family dwelling which:~~

16 ~~(A) Is partially or entirely manufactured in a factory;~~

17 ~~(B) Is not less than twenty-four feet in width and thirty-six feet in~~
18 ~~length;~~

19 ~~(C) Is installed on an engineered permanent foundation;~~

20 ~~(D) Has brick, wood, or cosmetically equivalent exterior siding~~
21 ~~and a pitched roof; and~~

22 ~~(E) Is certified pursuant to the "National Manufactured Housing~~
23 ~~Construction and Safety Standards Act of 1974", 42 U.S.C. 5401 et seq.,~~
24 ~~as amended.~~

25 (b) (I) No municipality ~~shall~~ MAY have or enact zoning
26 regulations, subdivision regulations, or any other regulation affecting
27 development ~~which~~ THAT exclude or have the effect of excluding
28 ~~manufactured~~ homes from the municipality ~~if such homes~~ THAT ARE:

29 (A) HOMES CERTIFIED BY THE DIVISION OF HOUSING CREATED IN
30 SECTION 24-32-703 OR A PARTY AUTHORIZED TO ACT ON ITS BEHALF;

31 (B) HOMES CERTIFIED BY THE UNITED STATES DEPARTMENT OF
32 HOUSING AND URBAN DEVELOPMENT THROUGH ITS OFFICE OF
33 MANUFACTURED HOUSING PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY
34 AUTHORIZED TO ACT ON ITS BEHALF; OR

35 (C) HOMES THAT meet or exceed, on an equivalent performance
36 engineering basis, standards established by the municipal building code.

37 (III) Nothing in this subsection (5) shall preclude any municipality
38 from enacting municipal building code provisions for unique public
39 safety requirements such as snow load roof, wind shear, and energy
40 conservation factors, UNLESS THE HOME IS CERTIFIED BY THE DIVISION OF
41 HOUSING CREATED IN SECTION 24-32-704 OR A PARTY AUTHORIZED TO ACT
42 ON ITS BEHALF OR THE UNITED STATES DEPARTMENT OF HOUSING AND
43 URBAN DEVELOPMENT THROUGH ITS OFFICE OF MANUFACTURED HOUSING

1 PROGRAMS, A SUCCESSOR AGENCY, OR A PARTY AUTHORIZED TO ACT ON
2 ITS BEHALF. A MUNICIPALITY MUST COMPLY WITH SECTION 24-32-3318
3 WHEN ENACTING BUILDING CODE PROVISIONS FOR A MANUFACTURED
4 HOME AS DEFINED IN SECTION 24-32-3302 (20).

5 **SECTION 31. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2022 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor."

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