

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."

\*\* \*\*\* \*\* \*\*\* \*\*