

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

DRAFT

LLS NO. 22-0415.01 Jery Payne x2157

HOUSE BILL

HOUSE SPONSORSHIP

Kipp,

SENATE SPONSORSHIP

Ginal,

House Committees

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF STRUCTURES THAT ARE
102 MANUFACTURED AT A LOCATION THAT IS NOT AT THE SITE
103 WHERE THE STRUCTURE IS OCCUPIED.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Current law regulates the manufacturers, sellers, and installers of manufactured homes. This regulation includes requirements for the installation of manufactured homes, contract and disclosure requirements, and the registration, escrow, reimbursement, bonding, and inspections of the manufacturers, installers, and sellers. In addition, the state housing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

board (board) sets standards for the proper manufacture and installation of manufactured homes. The bill adds tiny homes, which are typically manufactured, to this regulation on substantially similar terms. In addition to adding tiny homes to these provisions, the bill addresses tiny home and RV residence regulation in the following manner:

- The board shall promulgate rules establishing specific standards for tiny homes. When the national or international standard is created, the board may use that standard. The board may modify these standards as necessary.
- The board shall establish standards for connecting a tiny home or RV residence to utilities, including water, sewer, natural gas, and electricity.
- The board shall establish a registry for tiny homes and RV residences (registry) that are manufactured before July 1, 2023, and are not manufactured in accordance with the board's standards. The registry will contain the unique number assigned to the tiny home or RV residence, the date of manufacture, the length of occupancy, and whether the tiny home or RV residence has been inspected by or approved for use by a master electrician, a master plumber, a structural engineer, or a fire protection engineer.
- The registry is made available to local governments by electronic means. The division of housing (division) may establish a system in which local governments directly and electronically record tiny homes and RV residences in the registry.
- A local government may require the inspection of a tiny home or RV residence manufactured before July 1, 2023, if the tiny home or RV residence is not manufactured in accordance with the board's standards. The local government that requires the inspection will register the tiny home or RV residence with the board.
- Upon registering a tiny home or RV residence, the division assigns the tiny home or RV residence a unique number. The local government will permanently affix or physically inscribe the unique number onto the tiny home or RV residence.
- A state electrical inspector or a local government may approve the connection of a registered tiny home or RV residence for electric utility service if the tiny home or RV residence is in compliance with applicable codes and standards for connection for electric utility service.
- A state plumbing inspector or a local government may approve the connection of a registered tiny home or RV

residence for water, gas, or sewer utility service if the tiny home or RV residence is in compliance with applicable codes and standards for connection for water, gas, or sewer utility service.

If a tiny home or RV residence is approved for connection to utilities through the process described above, the tiny home or RV residence may be connected to the appropriate utilities. Current law governing the connection to each utility is amended to avoid conflicts with the process established in the bill.

Selling or installing a tiny home without complying with the bill is declared a deceptive trade practice, which subjects a violator to damages in a lawsuit, a class 1 misdemeanor, and civil penalties of:

- Up to \$20,000 per violation;
- Up to \$10,000 for violating a court order or injunction; and
- Up to \$50,000 per violation if the victim is an elderly person.

Current law regulates mobile home parks, including notice requirements, lease termination limits and requirements, security deposit regulations, entry fee prohibitions, antitrust prohibitions, selling fee prohibitions, kickback prohibitions, retaliation prohibitions, regulation of how and if park rules are established, a right of first refusal when the owner wants to sell the mobile home park, a peaceful enjoyment right, and remedy provisions. The bill includes tiny homes and RV residences under these provisions.

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

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

5 **24-32-3301. Legislative declaration.** (1) The general assembly
6 hereby finds, determines, and declares that mobile homes, manufactured
7 housing, and factory-built ~~housing~~ STRUCTURES are important and
8 effective ways to meet Colorado's affordable housing needs. The general
9 assembly further finds and declares that, because of the housing crisis in
10 Colorado, there is a need to promote the affordability and accessibility of
11 new manufactured HOMES and factory-built ~~housing~~ STRUCTURES. The

1 general assembly encourages local governments to enact ordinances and
2 rules that effectively treat factory-built ~~housing~~ STRUCTURES certified
3 through the state program and manufactured housing certified through the
4 federal program the same as site-built homes. The general assembly
5 further finds, determines, and declares that:

6 (b) The comprehensive regulation of the installation of MOBILE
7 HOMES, manufactured homes, OR TINY HOMES to ensure safety,
8 affordability, efficiency, and performance is a matter of statewide and
9 local concern.

10 (c) The protection of Colorado consumers who purchase
11 manufactured homes OR TINY HOMES from fraud and other unfair business
12 practices is a matter of statewide concern and consumers can best be
13 protected by:

14 (I) Requiring registration of persons engaged in the business of
15 selling manufactured homes OR TINY HOMES;

16 (II) Imposing escrow and bonding requirements upon persons
17 engaged in the business of selling manufactured homes OR TINY HOMES;
18 and

19 (III) Requiring persons engaged in the business of selling
20 manufactured homes OR TINY HOMES to include specified disclosures and
21 provisions in any contract for the sale of a manufactured home OR TINY
22 HOME.

23 (d) The imposition of registration requirements upon THE sellers
24 of manufactured homes OR TINY HOMES by both the state and political
25 subdivisions of the state would impose an undue burden upon THE sellers
26 of manufactured homes OR TINY HOMES and discourage the sale of
27 manufactured homes OR TINY HOMES.

1 (e) The registration, escrow and bonding, and contract
2 requirements imposed on THE sellers of manufactured homes OR TINY
3 HOMES by this part 33 are exclusive, and ~~no~~ A political subdivision of the
4 state ~~may~~ SHALL NOT impose any additional registration, escrow and
5 bonding, or contract requirements on the sellers.

6 (f) THE REGULATION OF TINY HOMES IS NECESSARY TO PROTECT
7 CONSUMER SAFETY AND KEEP TINY HOMES AS AN AFFORDABLE HOUSING
8 ALTERNATIVE.

9 (2) The general assembly further declares that in enacting this part
10 33, it is the intent of the general assembly that the division establish,
11 through the board, rules as it deems necessary to ensure:

12 (b) Consumer safety in the purchase of manufactured homes OR
13 TINY HOMES;

14 (c) The registration of ~~manufactured home~~ installers and the
15 creation of uniform standards for ~~the installation of manufactured homes~~
16 INSTALLATION on a statewide basis; and

17 (3) The general assembly further declares that the factory-built
18 structure programs AND TINY HOME PROGRAMS administered and rules
19 adopted ~~pursuant to~~ UNDER this part 33 apply only to work performed in
20 a factory or TO A STRUCTURE THAT IS BUILT OFF-SITE AND completed at a
21 THE INSTALLATION site ~~using components shipped with the factory-built~~
22 ~~structure~~ as reflected in the approved plans for the factory-built structure
23 OR TINY HOME.

24 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
25 (3), (4), (6), (11), (16), (17), (20)(d), (26), (29), (30), (32.5), and (33); and
26 **add** (24.5), (26.5), (31.5), (34), and (35) as follows:

27 **24-32-3302. Definitions.** As used in this part 33, unless the

1 context otherwise requires:

2 (3) "Certificate of installation" means a certificate issued by the
3 division for an installation ~~of a manufactured home that meets the~~
4 ~~requirements of~~ COMPLIES WITH this part 33 AND RULES THAT THE BOARD
5 ADOPTS UNDER THIS PART 33.

6 (4) "Certified installer" means an installer of manufactured homes
7 ~~who~~ OR TINY HOMES THAT:

8 (a) Is registered with the division; ~~and who~~

9 (b) Has installed at least five manufactured homes OR TINY HOMES
10 in compliance with the manufacturer's instructions or standards created
11 by the division pursuant to this part 33; and

12 (c) Has been approved by the division for certified status.

13 (6) "Defect" means any deviation in the performance,
14 construction, components, or material of a ~~manufactured home~~
15 FACTORY-BUILT STRUCTURE that renders the ~~home~~ FACTORY-BUILT
16 STRUCTURE or any part ~~thereof~~ OF THE FACTORY-BUILT STRUCTURE not fit
17 for the ordinary use for which it was intended.

18 (11) "Factory-built structure" means:

19 (a) A factory-built nonresidential ~~and~~ STRUCTURE;

20 (b) A factory-built residential ~~buildings~~ STRUCTURE; AND

21 (c) A FACTORY-BUILT TINY HOME.

22 (16) (a) "Installation" means the placement of a manufactured
23 home OR TINY HOME on a permanent or temporary foundation system.

24 (b) "Installation" includes ~~without limitation~~ supporting, blocking,
25 leveling, securing, or anchoring the home and connecting multiple or
26 expandable sections of the home.

27 (17) "Installer" means any person who performs the installation

1 of:

2 (a) A manufactured home, which includes multifamily structures,
3 for those with THE knowledge, experience, and skills to do so; OR

4 (b) A TINY HOME.

5 (20) "Manufactured home" means any preconstructed building
6 unit or combination of preconstructed building units or closed panel
7 systems that:

8 (d) ~~Does not have motor power~~ IS NOT SELF-PROPELLED; and

9 (24.5) "MOBILE HOME PARK" HAS THE MEANING SET FORTH IN
10 SECTION 38-12-201.5 (6).

11 (26) "Owner" means the owner of a manufactured home OR TINY
12 HOME.

13 (26.5) "PERMANENT FOUNDATION" MEANS A STRUCTURE THAT IS
14 DESIGNED OR INTENDED TO:

15 (a) SUPPORT A BUILDING FROM UNDERNEATH;

16 (b) KEEP A BUILDING FIRMLY AFFIXED TO THE GROUND;

17 (c) PREVENT THE BUILDING FROM MOVING; AND

18 (d) NOT BE REMOVED FROM THE GROUND OR BUILDING.

19 (29) "Purchaser" means the first person purchasing a
20 manufactured home OR TINY HOME IF EITHER IS PURCHASED in good faith
21 for purposes other than resale.

22 (30) "Quality assurance representative" means any state, firm,
23 corporation, or other entity that proposes to conduct production reviews,
24 evaluate a manufacturer's quality control procedures, and perform design
25 evaluations. ~~for factory-built structures.~~

26 (31.5) "RV RESIDENCE" MEANS THE FOLLOWING VEHICLES IF USED
27 AS PERMANENT OR SEMI-PERMANENT LIVING QUARTERS:

1 (a) A FIFTH WHEEL TRAILER AS DEFINED IN SECTION 24-32-902 (6);

2 (b) A MOTOR HOME AS DEFINED IN SECTION 24-32-902 (7);

3 (c) A RECREATIONAL PARK TRAILER AS DEFINED IN SECTION
4 24-32-902 (8);

5 (d) A RECREATIONAL VEHICLE AS DEFINED IN SECTION 24-32-902
6 (9); OR

7 (e) A TRAVEL TRAILER AS DEFINED IN SECTION 24-32-902 (10).

8 (32.5) "Seller" means any person engaged in the business of
9 selling manufactured homes to be installed in Colorado OR TINY HOMES
10 TO BE OCCUPIED OR INSTALLED IN COLORADO.

11 (33) "Site" means the entire tract, subdivision, or parcel of land on
12 which manufactured homes OR TINY HOMES are installed.

13 (34) "TEMPORARY FOUNDATION" MEANS A STRUCTURE THAT IS
14 DESIGNED OR INTENDED TO:

15 (a) SUPPORT A BUILDING FROM UNDERNEATH;

16 (b) KEEP A BUILDING FIRMLY AFFIXED TO THE GROUND;

17 (c) PREVENT THE BUILDING FROM MOVING; AND

18 (d) BE REMOVABLE FROM THE GROUND OR BUILDING.

19 (35) (a) "TINY HOME" MEANS A STRUCTURE THAT:

20 (I) IS PERMANENTLY CONSTRUCTED ON A VEHICLE CHASSIS;

21 (II) IS DESIGNED FOR USE AS PERMANENT LIVING QUARTERS;

22 (III) INCLUDES ELECTRICAL, MECHANICAL, OR PLUMBING SERVICES
23 THAT ARE FABRICATED, FORMED, OR ASSEMBLED AT A LOCATION OTHER
24 THAN THE SITE OF THE COMPLETED HOME;

25 (IV) IS NOT SELF-PROPELLED; AND

26 (V) HAS A SQUARE FOOTAGE OF NOT MORE THAN FOUR HUNDRED
27 SQUARE FEET.

- 1 (b) "TINY HOME" DOES NOT INCLUDE:
- 2 (I) A MANUFACTURED HOME;
- 3 (II) A RECREATIONAL PARK TRAILER AS DEFINED IN SECTION
- 4 24-32-902 (8);
- 5 (III) A RECREATIONAL VEHICLE AS DEFINED IN SECTION 24-32-902
- 6 (9);
- 7 (IV) A SEMITRAILER AS DEFINED IN SECTION 42-1-102 (89); OR
- 8 (V) AN INTERMODAL SHIPPING CONTAINER.

9 **SECTION 3.** In Colorado Revised Statutes, 24-32-3303, **amend**
10 (1)(e) and (1)(f) as follows:

11 **24-32-3303. Division of housing - powers and duties - rules.**

12 (1) The division has the following powers and duties pursuant to this part
13 33:

14 (e) To enforce requirements concerning ~~the installation of~~
15 ~~manufactured homes~~ INSTALLATIONS, including the registration and
16 certification status of installers;

17 (f) To enforce requirements concerning the sale of TINY HOMES
18 AND OF manufactured homes, including the registration status of sellers;
19 and

20 **SECTION 4.** In Colorado Revised Statutes, 24-32-3304, **amend**
21 (1)(d); and **add** (1)(f) as follows:

22 **24-32-3304. State housing board - powers and duties - rules.**

23 (1) The board has the following powers and duties pursuant to this part
24 33:

25 (d) To promulgate rules establishing standards for the installation
26 and setup of manufactured housing units; ~~and~~

27 (f) TO PROMULGATE RULES ESTABLISHING STANDARDS FOR TINY

1 HOMES THAT COVER THE MANUFACTURE OF, ASSEMBLY OF, AND
2 INSTALLATION OF TINY HOMES IN ACCORDANCE WITH SECTION
3 24-32-3328.

4 **SECTION 5.** In Colorado Revised Statutes, 24-32-3305, **amend**
5 (1) introductory portion, (1)(b), (1)(c), (1)(d), (2), and (3); and **add** (1)(e)
6 as follows:

7 **24-32-3305. Rules - advisory committee - enforcement.** (1) The
8 board ~~must~~ SHALL promulgate rules as it deems necessary to ensure:

9 (b) The safety of consumers purchasing manufactured homes OR
10 TINY HOMES;

11 (c) The safety of ~~manufactured home~~ installations; ~~and~~

12 (d) The safety of hotels, motels, and multifamily structures in
13 areas of the state where no construction standards for hotels, motels, and
14 multifamily structures exist; AND

15 (e) THE IMPLEMENTATION OF SECTIONS 24-32-3328 AND
16 24-32-3329.

17 (2) Rules promulgated by the board must include provisions
18 imposing requirements reasonably consistent with recognized and
19 accepted standards adopted by THE AMERICAN NATIONAL STANDARDS
20 INSTITUTE (ANSI), the International Code Council, the National Fire
21 Protection Association, and the Colorado state plumbing and electrical
22 codes, or a combination ~~thereof~~ OF THESE STANDARDS AND CODES, except
23 to the extent that the board finds that the standards and codes are
24 inconsistent with this part 33. ~~All rules promulgated by~~ The board ~~must~~
25 ~~be adopted~~ SHALL ADOPT RULES pursuant to article 4 of this title 24.

26 (3) (a) The board must consult with and obtain the advice of an
27 advisory committee on ~~residential and nonresidential~~ FACTORY-BUILT

1 structures in the drafting and promulgation of rules. The committee
2 consists of ~~twelve~~ THIRTEEN members appointed by the division from the
3 following professional and technical disciplines:

- 4 (I) One from architecture;
- 5 (II) One from structural engineering;
- 6 (III) Three from building code enforcement;
- 7 (IV) One from mechanical engineering or contracting;
- 8 (V) One from electrical engineering or contracting;
- 9 (VI) One from the plumbing industry;
- 10 (VII) One from the construction design or producer industry;
- 11 (VIII) Two from manufactured housing;
- 12 (IX) ONE FROM THE TINY HOME INDUSTRY; and
- 13 (X) One from organized labor.

14 (b) Committee members ~~shall be~~ ARE reimbursed for actual and
15 necessary expenses incurred while engaged in official duties.

16 **SECTION 6.** In Colorado Revised Statutes, 24-32-2206, **amend**
17 (1) as follows:

18 **24-32-3306. Recognition of similar standards - compliance**
19 **with standards.** (1) If the division determines that standards for
20 factory-built STRUCTURES or manufactured ~~housing~~ HOMES prescribed by
21 statute or rule of another state or by the United States department of
22 housing and urban development are reasonably consistent with, or equal
23 to, standards required by this part 33, it may provide by rule that
24 factory-built STRUCTURES or manufactured ~~housing~~ HOMES approved by
25 the other state or by the department ~~meets~~ MEET the standards required by
26 this part 33.

27 **SECTION 7.** In Colorado Revised Statutes, 24-32-3307, **amend**

1 (1) as follows:

2 **24-32-3307. Noncompliance with standards.** (1) (a) The
3 division may obtain injunctive relief from ~~the appropriate~~ A court OF
4 COMPETENT JURISDICTION to enjoin the manufacture, sale, delivery, or
5 installation of:

6 (I) A factory-built ~~housing~~ STRUCTURE by filing an affidavit
7 specifying the manner in which the ~~housing~~ FACTORY-BUILT STRUCTURE
8 does not conform to the requirements of this part 33 or to rules
9 promulgated pursuant to section 24-32-3305; OR

10 (II) A TINY HOME BY FILING AN AFFIDAVIT SPECIFYING THE
11 MANNER IN WHICH THE TINY HOME DOES NOT CONFORM TO THIS PART 33
12 OR TO RULES PROMULGATED UNDER SECTION 24-32-3305 (1)(e) OR
13 24-32-3328.

14 (b) The division may suspend the issuance of insignias of
15 approval while injunctive relief is being sought.

16 **SECTION 8.** In Colorado Revised Statutes, 24-32-3309, **amend**
17 (1)(a) and (2) as follows:

18 **24-32-3309. Fees - building regulation fund - rules.**

19 (1) (a) (I) The board, by rule, ~~must~~ SHALL establish a schedule of fees
20 designed to pay all direct and indirect costs incurred by the division in
21 carrying out and enforcing ~~the provisions of~~ this part 33; except that the
22 amount of the registration fee for installers ~~of manufactured homes~~ is
23 LIMITED TO the amount specified in section 24-32-3315 (5) and the
24 amount of the registration fee for sellers ~~of manufactured homes~~ is
25 LIMITED TO the amount specified in section 24-32-3323 (3).

26 (II) Before ~~establishing~~ THE BOARD ESTABLISHES the schedule of
27 fees, the division, ~~must~~ FOR THE BOARD'S CONSIDERATION, SHALL gather

1 information regarding the fees charged by:

2 (A) Colorado local governments for the inspection and
3 certification of improvements to residential real property that are not
4 manufactured homes OR TINY HOMES; and

5 (B) ~~the fees charged by~~ Governmental entities outside of Colorado
6 for the inspection and certification of manufactured homes ~~for the board's~~
7 ~~consideration~~ OR TINY HOMES.

8 (III) The fees must be paid to the division and transmitted to the
9 state treasurer, who ~~must~~ SHALL credit the fees to the building regulation
10 fund, which fund is hereby created in the state treasury and referred to in
11 this section as the "fund". THE STATE TREASURER SHALL CREDIT all
12 interest derived from the deposit and investment of money in the fund
13 ~~must be credited~~ to the fund. Except as otherwise provided in subsection
14 (2) of this section, at the end of any fiscal year, all unexpended and
15 unencumbered money in the fund ~~must remain~~ REMAINS in the fund and
16 must not be credited or transferred to the general fund or any other fund
17 or used for any other purpose other than to offset the costs of
18 implementing, ~~and~~ administering, and enforcing ~~the provisions of this~~
19 part 33.

20 (2) In addition to being used to offset the costs of implementing
21 and administering this part 33 as specified in subsection (1) of this
22 section, money in the fund may be expended:

23 (a) To provide education and training to manufacturers, sellers,
24 installers, building department employees, elected officials, and, as
25 appropriate, other persons affected by the mobile HOME, manufactured
26 HOME, TINY HOME, and factory-built ~~structures~~ STRUCTURE industry
27 regarding the building codes and state program requirements applicable

1 to mobile HOMES, manufactured HOMES, TINY HOMES, and factory-built
2 structures within the state;

3 (b) To provide consumer training throughout the state that will
4 help a consumer make informed decisions when purchasing or
5 considering the purchase of a mobile home, manufactured home, TINY
6 HOME, or factory-built structure; and

7 (c) To provide education and grants that will help manufacturers,
8 sellers, installers, owners, and, as appropriate, other parties affected by
9 the mobile HOME, manufactured HOME, TINY HOME, and factory-built
10 ~~structures~~ STRUCTURE industry address safety issues that affect mobile
11 HOMES, manufactured HOMES, TINY HOMES, and factory-built structures.

12 **SECTION 9.** In Colorado Revised Statutes, 24-32-3311, **amend**
13 (1)(a.7), (4), and (6) as follows:

14 **24-32-3311. Certification of factory-built structures.**

15 (1) (a.7) (I) The division ~~must~~ SHALL conduct a full design and plan
16 review and inspection of the construction of factory-built structures to the
17 extent the design and construction relates to work performed off-site or
18 work that is completed ~~onsite using components shipped with the~~
19 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the
20 approved plans for the factory-built structure. A local government ~~may~~
21 SHALL not duplicate efforts to review or approve the construction of a
22 factory-built structure that is under review or approved by the division nor
23 ~~may~~ SHALL it charge building permit fees to cover the cost of plan
24 reviews or inspections performed by the division. A local government's
25 jurisdiction is limited to work done ~~onsite~~ AT THE INSTALLATION SITE in
26 compliance with ~~section 24-32-3311 (6)~~ SUBSECTION (6) OF THIS SECTION
27 and includes associated plan review, permits, inspections, and fees.

1 (II) The division may authorize a local government to inspect and
2 approve work that is completed onsite using components shipped with the
3 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the
4 approved plans for the factory-built structure. A local government may
5 charge inspection fees if authorized to assist the division to inspect and
6 approve work ON A FACTORY-BUILT STRUCTURE that is completed onsite
7 ~~using components shipped with the factory-built structure~~ AT THE
8 INSTALLATION SITE as reflected in the approved plans for the factory-built
9 structure.

10 (4) A factory-built structure bearing an insignia of approval issued
11 by the division and affixed by the division or an authorized quality
12 assurance representative pursuant to this part 33 is deemed to be designed
13 and constructed in compliance with the requirements of all codes and
14 standards enacted or adopted by the state and accounting for any local
15 government installation requirements adopted in compliance with sections
16 24-32-3310 and 24-32-3318 that are applicable to the construction of
17 factory-built structures, to the extent that the design and construction
18 relates to work performed in a factory or work ON A FACTORY-BUILT
19 STRUCTURE that is completed at a THE INSTALLATION site using
20 ~~components shipped with the factory-built structure~~ as reflected in the
21 approved plans for the factory-built structure. The determination by the
22 division of the scope of such approval is final. An insignia of approval
23 affixed to the factory-built structure does not expire unless the design and
24 construction of the factory-built structure has been modified from
25 approved plans.

26 (6) All work at a THE INSTALLATION site that is unrelated to the
27 installation of a factory-built structure or components shipped with FOR

1 the factory-built structure, including additions, modifications, and repairs
2 to a factory-built structure, ~~are~~ IS subject to applicable local government
3 rules.

4 **SECTION 10.** In Colorado Revised Statutes, **repeal** 24-32-3313
5 as follows:

6 **24-32-3313. Injunctive relief.** ~~The division may request the~~
7 ~~appropriate court to enjoin the sale or delivery of any factory-built~~
8 ~~structure upon an affidavit, specifying the manner in which the~~
9 ~~factory-built structure does not conform to the requirements of this part~~
10 ~~33 or the rules promulgated pursuant to this part 33. The division may~~
11 ~~suspend the authority of a manufacturer to affix insignias while injunctive~~
12 ~~relief is being sought.~~

13 **SECTION 11.** In Colorado Revised Statutes, 24-32-3315, **amend**
14 (1)(c), (3), and (4) introductory portion as follows:

15 **24-32-3315. Installers of manufactured homes and tiny homes**
16 **- registration - fees - educational requirements - rules.** (1) (c) (I) A
17 homeowner ~~who~~ IS NOT REQUIRED TO REGISTER AS AN INSTALLER WITH
18 THE DIVISION IF THE HOMEOWNER installs the ~~owner's~~ HOMEOWNER'S own
19 manufactured home that is a one- or two-family dwelling INTENDED FOR
20 THE HOMEOWNER'S OWN PERSONAL USE OR A TINY HOME intended for ~~their~~
21 THE HOMEOWNER'S own personal use, ~~is not required to register as an~~
22 ~~installer with the division,~~ but THE HOMEOWNER must comply with all
23 provisions of this part 33 other than registration provisions. A homeowner
24 is limited to ~~the~~ ONE installation of ~~one manufactured home~~ in any
25 twelve-month period and ~~a total of~~ no more than five during ~~their~~ THE
26 HOMEOWNER'S lifetime.

27 (II) A homeowner installing ~~their~~ THE HOMEOWNER'S own

1 MANUFACTURED HOME OR TINY home ~~is required to~~ SHALL do their own
2 THE installation work. If the homeowner has another person perform
3 installation work, ~~on their manufactured home~~; that person is required to
4 MUST be a registered or certified installer.

5 (3) ~~An application~~ A PERSON APPLYING for registration or
6 certification as ~~a manufactured home~~ AN installer, whether AN initial or
7 renewal APPLICATION, must ~~be submitted~~ SUBMIT THE APPLICATION on a
8 form provided by the division and verified by a declaration dated and
9 signed BY THE APPLICANT under penalty of perjury. ~~by the applicant~~. The
10 application must contain, in addition to any other information the division
11 may reasonably require, the name, address, E-MAIL ADDRESS, and
12 telephone number of the applicant. The division shall make the
13 application and declaration available for public inspection.

14 (4) ~~On and after July 1, 2008~~, In order to be registered initially as
15 ~~a manufactured home~~ AN installer, an applicant must:

16 **SECTION 12.** In Colorado Revised Statutes, 24-32-3315.5,
17 **amend** (1) introductory portion, (1)(a), and (1)(b) as follows:

18 **24-32-3315.5. Contract for the installation of manufactured**
19 **homes - requirements.** (1) A registered or certified installer must
20 provide a contract for the installation of each manufactured home OR TINY
21 HOME and make the following disclosures in any contract for the
22 installation of a manufactured home OR TINY HOME:

23 (a) That the installer has a letter of credit, certificate of deposit, or
24 surety bond filed with the division for the performance of the installation;
25 ~~of the manufactured home~~;

26 (b) That an aggrieved person may file a complaint with the
27 division concerning the performance of the installation, ~~of the~~

1 ~~manufactured home~~, including making a claim against the letter of credit,
2 certificate of deposit, or surety bond filed with the division; and

3 **SECTION 13.** In Colorado Revised Statutes, 24-32-3316, **amend**
4 (1) as follows:

5 **24-32-3316. Compliance with manufacturer's installation**
6 **instructions.** (1) Except as provided by subsection (2) or (3) of this
7 section, any installation ~~of a manufactured home in this state shall~~ MUST
8 be performed in strict accordance with the applicable manufacturer's
9 installation instructions. A copy of the manufacturer's instructions or the
10 standards promulgated by the division must be available at the time of
11 installation and inspection.

12 **SECTION 14.** In Colorado Revised Statutes, 24-32-3317, **amend**
13 (1), (2), (2.3), (2.9), (3)(a) introductory portion, (3)(a)(II) introductory
14 portion, (3)(a)(II)(C), (3)(b), (4), (5)(a) introductory portion, (5)(b), (6),
15 (7), (8), (9), (10) introductory portion, and (10)(e) as follows:

16 **24-32-3317. Installation of manufactured homes and tiny**
17 **homes - authorization - certificates - inspections - inspector**
18 **qualification and education requirements - rules.** (1) Before beginning
19 ~~the AN installation, of a manufactured home,~~ the owner or registered
20 installer of a manufactured home OR TINY HOME must submit a request to
21 the division and receive an installation authorization from the division on
22 a division-approved form, unless the installation is occurring in a
23 jurisdiction where a local government is participating as an independent
24 contractor, in which case the owner or registered installer is to follow the
25 local government's process for receiving authorization to install a
26 manufactured home OR TINY HOME.

27 (2) The division may certify any installer who provides evidence

1 of five or more installations of manufactured homes OR TINY HOMES
2 performed by the installer for which installation authorizations have
3 previously been issued ~~pursuant to~~ IN ACCORDANCE WITH this section
4 when, in the judgment of the division, the installer has demonstrated the
5 ability to successfully complete installations ~~of manufactured homes~~ in
6 accordance with ~~the requirements of~~ this part 33.

7 (2.3) An installer certified by the division is not required to obtain
8 an installation authorization from the division, but A CERTIFIED INSTALLER
9 is required to obtain authorization to install a manufactured home OR TINY
10 HOME from any local government participating as an independent
11 contractor. FOR ANY INSTALLATION OCCURRING WITHIN THE JURISDICTION
12 OF A LOCAL GOVERNMENT NOT PARTICIPATING AS AN INDEPENDENT
13 CONTRACTOR, THE CERTIFIED INSTALLER, UPON COMPLETION OF THE
14 INSTALLATION IN ACCORDANCE WITH THIS PART 33 AND BOARD RULES,
15 SHALL AFFIX ON THE MANUFACTURED HOME OR TINY HOME an installation
16 insignia issued by the division. ~~is to be affixed on the manufactured home~~
17 ~~by the certified installer upon completion of the installation of the~~
18 ~~manufactured home in accordance with the requirements of this part 33~~
19 ~~and board rules in any jurisdiction not participating as an independent~~
20 ~~contractor.~~

21 (2.9) The division or AN independent contractor at the request of
22 the division may, at the division's sole discretion, inspect ~~the~~ AN
23 installation ~~of any manufactured home~~ performed by a certified installer
24 ~~pursuant to this subsection (2.9)~~ and may require the certified installer to
25 correct, within a period established by rule promulgated by the board, any
26 defects or deficiencies in the installation. The division may revoke the
27 certification of any installer ~~certified pursuant to this subsection (2.9)~~

1 when, in the judgment of the division, the installer has performed
2 ~~installations of a manufactured home~~ AN INSTALLATION in violation of the
3 ~~requirements of this part 33~~ OR BOARD RULES ADOPTED UNDER THIS PART
4 33. Any installer whose certification has been so revoked may apply for
5 recertification in accordance with rules promulgated by the division.

6 (3) (a) The division may fine A REGISTERED INSTALLER OR
7 suspend or revoke the registration of a registered installer if the installer
8 fails to:

9 (II) Otherwise pay to the owner or occupant of a manufactured
10 home OR TINY HOME:

11 (C) A refund of any money paid up front that did not result in a
12 complete installation ~~of the manufactured home~~ BY THE INSTALLER or the
13 ~~cost of completing~~ THAT WAS USED TO PAY A DIFFERENT REGISTERED
14 INSTALLER TO COMPLETE the installation. ~~by a different registered~~
15 ~~installer.~~

16 (b) (I) A financial institution or authorized insurer is required to
17 make payment to the division ~~making~~ WHEN THE DIVISION MAKES a claim
18 against the letter of credit, certificate of deposit, or surety bond:

19 (A) If a court of competent jurisdiction has rendered a final
20 judgment in favor of the division based on a finding that the registered
21 installer failed to perform on the installation ~~of the manufactured home~~
22 as required by this part 33 or board rules; or

23 (B) ~~upon a ceasing of business operations or a bankruptcy filing~~
24 ~~by the registered installer~~ IF THE REGISTERED SELLER CEASES BUSINESS
25 OPERATIONS OR FILES FOR BANKRUPTCY.

26 (II) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF
27 any installer who fails to provide a letter of credit, certificate of deposit,

1 or surety bond as required by section 24-32-3315 (2) and (6) or who
2 otherwise fails to pay any judgment by a court of competent jurisdiction
3 in favor of the division. ~~is subject to the suspension or revocation of the~~
4 ~~registration by the division.~~

5 (4) An owner or a registered installer must display an installation
6 authorization at the site ~~of~~ AT WHICH a manufactured home OR TINY HOME
7 IS to be installed until an installation insignia is issued by the division or
8 independent contractor, unless the installation is occurring in a
9 jurisdiction where a local government is participating as an independent
10 contractor. ~~in which case~~ IF THE LOCAL GOVERNMENT IS AN INDEPENDENT
11 CONTRACTOR, the owner or registered installer ~~is to~~ SHALL follow the
12 local government's process for identifying a manufactured home OR TINY
13 HOME to be installed until the division's installation insignia is issued by
14 the local government.

15 (5) (a) The division shall adopt rules that specify a standard form
16 to be used statewide by the division or an independent contractor as a
17 certificate of installation certifying that a manufactured home OR TINY
18 HOME was installed in compliance with ~~the provisions of~~ this part 33.
19 However, the certificate of installation applies only to AN installation of
20 a manufactured home, OF A TINY HOME THAT WAS built in a factory, and
21 OF components ~~shipped with~~ TO INSTALL OR FINISH the manufactured
22 home OR TINY HOME as reflected in the approved plans for the
23 manufactured home OR TINY HOME. The certificate of installation must
24 include ~~but not be limited to~~ the following:

25 (b) If a vacant manufactured home OR TINY HOME fails an
26 installation inspection because of conditions that endanger the health or
27 safety of the occupant, the manufactured home OR TINY HOME cannot be

1 occupied UNTIL THE DEFECTS OR DEFICIENCIES THAT FORM THE BASIS OF
2 THE FAILED INSPECTION ARE CORRECTED. If a manufactured home OR TINY
3 HOME fails an installation inspection because of conditions that do not
4 endanger the health or safety of the occupant, the manufactured home OR
5 TINY HOME may be occupied pending the correction of those defects or
6 deficiencies that served as the basis of the failed inspection.

7 (6) In addition to inspections performed pursuant to subsection
8 (2.9) of this section, the division or the independent contractor that
9 performs inspections and enforcement of proper ~~installation of~~
10 ~~manufactured homes~~ INSTALLATIONS may inspect ~~the~~ AN installation of
11 ~~a manufactured home~~ upon request filed by the owner, installer,
12 manufacturer, or seller. ~~of the manufactured home.~~ The PARTY
13 REQUESTING THE inspection must ~~be paid for by the party that requested~~
14 PAY FOR the inspection.

15 (7) If ~~the~~ AN installation of ~~a manufactured home by an installer~~
16 ~~has failed~~ FAILS the inspection conducted by the division or the
17 independent contractor and ~~it is determined by~~ the division or the
18 independent contractor DETERMINES that the installer has FAILED TO
19 COMPLY WITH THE MANUFACTURER'S INSTRUCTIONS OR violated any of the
20 installation standards promulgated by the division, the installer ~~must~~
21 SHALL reimburse the party requesting the inspection for the cost of the
22 failed inspection and ~~must~~ pay for any subsequent repairs necessary to
23 bring the installation into compliance with the manufacturer's instructions
24 or standards promulgated by the division. The installer ~~must~~ SHALL also
25 pay for any subsequent inspections required by the division or the
26 independent contractor. Failure of the installer to pay for any inspections
27 or subsequent repairs deemed necessary by the division or the

1 independent contractor ~~shall result~~ RESULTS in the forfeiture of the
2 installer's performance bond on behalf of the owner. ~~of the manufactured~~
3 ~~home.~~

4 (8) (a) The division may authorize an independent contractor to
5 perform inspections and enforcement of proper ~~installation of~~
6 ~~manufactured homes~~ INSTALLATIONS.

7 (b) (I) The division ~~may~~ SHALL provide training for independent
8 contractors TO PERFORM INSTALLATION INSPECTIONS. THE TRAINING MUST
9 ENABLE INDEPENDENT CONTRACTORS WHO SUCCESSFULLY COMPLETE THE
10 TRAINING TO BE CERTIFIED BY THE DIVISION. Independent contractors must
11 be certified by the division to perform installation inspections.

12 (II) THE DIVISION MAY ACCEPT GIFTS, GRANTS, OR DONATIONS FOR
13 THE TRAINING OF INDEPENDENT CONTRACTORS. THE DIVISION SHALL
14 TRANSMIT ANY GIFTS, GRANTS, OR DONATIONS IT RECEIVES TO THE STATE
15 TREASURER FOR DEPOSIT IN THE BUILDING REGULATION FUND CREATED IN
16 SECTION 24-32-3309.

17 (c) The division ~~must~~ SHALL establish by rule the qualifications of
18 an inspector and the areas of expertise necessary for inspecting
19 manufactured homes ~~On and after July 1, 2008~~, OR TINY HOMES. A new
20 inspector must pass a division-approved installation test. The
21 qualifications for an inspector include ~~but are not limited to~~ those of a
22 professional civil engineer, ~~or~~ local housing inspector, or independent
23 contractor. ~~Commencing in 2009~~, Inspectors ~~must~~ SHALL also complete
24 and maintain records of the completion of division-approved education
25 as established by the board ~~through rulemaking~~ BY RULE.

26 (9) If an installation or subsequent repair of an installation ~~by an~~
27 ~~installer~~ fails to COMPLY WITH THE MANUFACTURER'S INSTRUCTIONS OR

1 meet the standards promulgated by the division within a period
2 determined by the division, the division ~~must~~ SHALL investigate the
3 actions of the installer. The division may revoke, suspend, or refuse to
4 renew the registration or certification of the installer for failing to comply
5 with the MANUFACTURER'S INSTRUCTIONS OR THE division's standards
6 regarding AN installation. ~~of a manufactured home~~. Any independent
7 contractor that knows of an installer whose installations ~~fail~~ HAVE FAILED
8 inspection and have not been cured by subsequent repair ~~must~~ SHALL
9 request that the division investigate the installer.

10 (10) The board ~~must~~ SHALL adopt rules concerning:

11 (e) Any other rule necessary for the implementation of
12 ~~manufactured home~~ THE installation requirements in this part 33.

13 **SECTION 15.** In Colorado Revised Statutes, **amend** 24-32-3318
14 as follows:

15 **24-32-3318. Local installation standards preempted.**

16 (1) EXCEPT AS AUTHORIZED IN SECTION 24-32-3329 (2), a local
17 government ~~may~~ SHALL not adopt less stringent standards for ~~the~~ AN
18 installation ~~of a manufactured home~~ than those promulgated by the
19 division. A local government ~~may~~ SHALL not, without express consent by
20 the division, adopt different standards than the standards for ~~the~~ AN
21 installation ~~of a manufactured home~~ promulgated by the division.

22 (2) (a) Nothing in this section ~~may preclude~~ PROHIBITS a local
23 government from enacting standards for TINY HOMES OR mobile or
24 modular homes concerning unique public safety requirements related to
25 geographic or climatic conditions, such as weight restrictions for roof
26 snow loads or wind shear factors, as otherwise permitted by law.

27 (b) UNLESS THE UNITED STATES DEPARTMENT OF HOUSING AND

1 URBAN DEVELOPMENT HAS GRANTED AN EXEMPTION TO THE LOCAL
2 GOVERNMENT, a local government ~~may~~ SHALL not impose:

3 (I) Weight restrictions for roof snow loads or wind shear factors
4 on a manufactured home built to the federal manufactured home
5 construction and safety standards that are different from what has been
6 zoned for the state of Colorado by the United States department of
7 housing and urban development pursuant to the federal act; or ~~impose~~

8 (II) Any other requirements that would impact the design and
9 construction of the MANUFACTURED home. ~~unless an exemption has been~~
10 ~~granted for that jurisdiction by the United States department of housing~~
11 ~~and urban development.~~

12 (3) Nothing in this section prohibits a local government from
13 requiring on-site mitigation to address unique public safety requirements
14 related to geographic and climatic conditions, such as weight restrictions
15 for roof snow loads and wind shear factors, on a manufactured home built
16 to the federal manufactured home construction and safety standards, so
17 long as there is no interference with the federal standards for the design
18 and construction of the manufactured home.

19 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-32-3321
20 as follows:

21 **24-32-3321. Investigations of consumer complaints.** The
22 division may investigate complaints filed by owners, occupants, or other
23 consumers relating to the construction of factory-built structures and
24 manufactured homes, and the ~~sale~~ ~~or~~ installation OR SALE of
25 manufactured homes AND TINY HOMES as necessary to enforce and
26 administer this part 33.

27 **SECTION 17.** In Colorado Revised Statutes, **repeal** 24-32-3322

1 as follows:

2 **24-32-3322. Training of inspectors - acceptance of gifts,**
3 **grants, and donations.** ~~(1) On and after July 1, 2000, the division must~~
4 ~~train independent contractors to perform installation inspections for~~
5 ~~manufactured homes. The training must enable independent contractors~~
6 ~~who successfully complete the training to become certified by the~~
7 ~~division.~~

8 ~~(2) On and after July 1, 2000, the division may accept gifts,~~
9 ~~grants, or donations for the training of independent contractors. The gifts,~~
10 ~~grants, or donations received must be transmitted to the state treasurer~~
11 ~~who must credit the money to the building regulation fund created in~~
12 ~~section 24-32-3309.~~

13 **SECTION 18.** In Colorado Revised Statutes, **amend 24-32-3323**
14 as follows:

15 **24-32-3323. Sellers of manufactured homes and tiny homes -**
16 **registration.** (1) Any seller is required to register with the division
17 before engaging in the business of selling manufactured homes ~~to be~~ OR
18 TINY HOMES IF EITHER IS installed in Colorado.

19 (2) ~~An application~~ A PERSON APPLYING for a registration or
20 renewal required by this section must ~~be submitted~~ SUBMIT THE
21 APPLICATION on a form provided by the division and must ~~be verified~~
22 VERIFY THE APPLICATION by a declaration signed and dated, under penalty
23 of perjury, by a principal of the ~~manufactured home~~ seller. The
24 application must contain, in addition to ~~such~~ THE other information
25 regarding the conduct of the ~~manufactured home~~ seller's business ~~as~~ THAT
26 the division may reasonably require, the name, address, E-MAIL ADDRESS,
27 and position of each principal of the ~~manufactured home~~ seller and each

1 person who exercises management responsibilities as part of the
2 ~~manufactured home~~ seller's business activities. The application must also
3 contain the address, E-MAIL ADDRESS, and telephone number of each retail
4 location operated by the applicant as well as the location and account
5 number of the separate fiduciary account required by section 24-32-3324
6 (1) and any board rules. The division must preserve the application and
7 declaration and make them available for public inspection.

8 (3) (a) THE DIVISION SHALL REGISTER AN APPLICANT THAT
9 COMPLIES WITH SUBSECTION (2) OF THIS SECTION AND THAT IS QUALIFIED
10 IN ACCORDANCE WITH THIS SECTION AND THE RULES PROMULGATED
11 UNDER THIS SECTION.

12 (b) A registration issued ~~pursuant to subsection (2)~~ UNDER
13 SUBSECTION (3)(a) of this section is valid for ~~one year~~ TWELVE MONTHS
14 after the date of issuance. The DIVISION SHALL NOT SET THE amount of the
15 registration fee ~~cannot~~ TO be more than two hundred dollars.

16 (c) If, after ~~issuance of a registration~~ REGISTERING A SELLER, any
17 of the required information submitted with the application for the
18 registration ~~pursuant to subsection (2) of this section~~ becomes inaccurate,
19 a principal of the ~~manufactured home~~ seller ~~must~~ SHALL notify the
20 division in writing of the inaccuracy within thirty days and provide the
21 division with accurate updated information.

22 (4) For purposes of this section, a person is not a seller if the
23 person:

24 (a) Is a natural person acting personally in selling a manufactured
25 home owned or leased by the person OR A TINY HOME OWNED OR LEASED
26 BY THE PERSON;

27 (b) Sells a manufactured home OR A TINY HOME in the course of

1 engaging in activities that are subject to ~~the provisions of article 10 of~~
2 ~~title 12 or activities that would be subject to the provisions but for a~~
3 ~~specific exemption set forth in article 10 of title 12~~ OR AN EXEMPTION SET
4 FORTH IN ARTICLE 10 OF TITLE 12;

5 (c) Sells a manufactured home OR A TINY HOME for salvage or
6 nonresidential use;

7 (d) Directly or indirectly sells, in any calendar year, three or fewer
8 previously occupied manufactured homes ~~that~~ OR TINY HOMES THAT are
9 owned by a ~~manufactured~~ MOBILE home park owner and are located
10 within one or more ~~manufactured~~ MOBILE home parks in Colorado; or

11 (e) For a salary, commission, or compensation of any kind, is
12 employed directly or indirectly by any registered ~~manufactured home~~
13 seller to sell or negotiate for the sale of manufactured homes OR TINY
14 HOMES.

15 **SECTION 19.** In Colorado Revised Statutes, 24-32-3324, **amend**
16 (2) as follows:

17 **24-32-3324. Escrow and bonding requirements - rules.**

18 (2) (a) A seller must provide a letter of credit OR certificate of deposit
19 issued by a licensed financial institution or surety bond issued by an
20 authorized insurer in an amount and IN ACCORDANCE WITH THE process
21 established by the board ~~through rulemaking~~ BY RULE.

22 (b) A financial institution or authorized insurer is required to
23 make payment to the division ~~making~~ WHEN THE DIVISION MAKES a claim
24 against the letter of credit, certificate of deposit, or surety bond:

25 (I) If a court of competent jurisdiction has rendered a final
26 judgment in favor of the division based on a finding that the registered
27 seller failed to:

1 (A) Deliver the manufactured home OR TINY HOME or refund
2 payments made toward the purchase of the manufactured home pursuant
3 to OR OF THE TINY HOME AS REQUIRED BY this part 33 or board rules; or

4 (B) Provide a reasonable per diem living expense in violation of
5 the contractual provisions required by section 24-32-3325; or

6 (II) ~~Upon a ceasing of business operations or a bankruptcy filing~~
7 ~~by the registered seller~~ IF THE REGISTERED SELLER CEASES BUSINESS
8 OPERATIONS OR FILES FOR BANKRUPTCY.

9 (c) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF
10 any seller ~~who~~ THAT fails to provide a letter of credit, certificate of
11 deposit, or surety bond as required by this subsection (2) or ~~who~~ THAT
12 otherwise fails to pay any judgment by a court of competent jurisdiction
13 in favor of the division. ~~is subject to the suspension or revocation of the~~
14 ~~registration by the division.~~

15 **SECTION 20.** In Colorado Revised Statutes, 24-32-3325, **amend**
16 (1) introductory portion, (1)(a), (1)(c), (1)(d), and (2) as follows:

17 **24-32-3325. Contract for sale of manufactured home or tiny**
18 **home - requirements.** (1) A seller must provide a contract with the sale
19 of each manufactured home OR TINY HOME and make the following
20 disclosures in any contract for the sale of a manufactured home OR TINY
21 HOME:

22 (a) That the purchaser may have no legal right to rescind the
23 contract absent delinquent delivery ~~of the manufactured home~~ or the
24 existence of a specific right of rescission set forth in the contract;

25 (c) That an aggrieved person may file a complaint WITH THE
26 DIVISION AGAINST THE SELLER for a refund of any payment held in escrow
27 by a seller; ~~of manufactured homes against the seller with the division;~~

1 and

2 (d) That an aggrieved person may bring a civil action pursuant to
3 ~~the provisions of~~ the "Colorado Consumer Protection Act", section
4 6-1-709, to remedy violations of ~~manufactured home~~ seller requirements
5 in this part 33. However, damages are limited in accordance with ~~the~~
6 ~~provisions of~~ section 6-1-113 (2.5).

7 (2) A contract for the sale of a manufactured home OR TINY HOME
8 by a seller must also contain the following provisions:

9 (a) EITHER:

10 (I) A date certain for the delivery of the manufactured home OR
11 TINY HOME; or

12 (II) A listing of specified delivery preconditions that must occur
13 before a date certain for delivery can be determined;

14 (b) A statement that if delivery of the manufactured home OR TINY
15 HOME is delayed by more than sixty days after the delivery date specified
16 in the contract of sale or by more than sixty days after the delivery
17 preconditions set forth in the contract of sale have been met if no date
18 certain for delivery has been set, the seller will either refund the
19 ~~manufactured home sale~~ down payment or provide a reasonable per diem
20 living expense to the buyer for the days between the delivery date
21 specified in the contract or the sixty-first day after the delivery
22 preconditions set forth in the contract have been met, whichever is
23 applicable, and the actual date of delivery, unless the delay in delivery is
24 unavoidable or caused by the buyer; and

25 (c) An agreed upon location for delivery of the manufactured
26 home OR TINY HOME to the purchaser.

27 **SECTION 21.** In Colorado Revised Statutes, 24-32-3326, **amend**

1 (1) introductory portion, (1)(b), (1)(c), and (2) as follows:

2 **24-32-3326. Unlawful sales practices - manufactured homes**
3 **and tiny homes - fines.** (1) A seller engages in an unlawful

4 manufactured home ~~sale~~ OR TINY HOME SALES practice when the person:

5 (b) Fails to comply with the escrow and bonding requirements of
6 ~~sections 24-32-3323 (2.5) and 24-32-3324~~, SECTION 24-32-3324 or board
7 rules;

8 (c) Fails to provide and include in any contract for the sale of a
9 manufactured home OR TINY HOME any of the disclosures or contract
10 provisions required by section 24-32-3325; or

11 (2) ~~Any~~ A person ~~found to be selling or have sold~~ THAT SELLS a
12 manufactured home OR TINY HOME in a manner contrary to ~~the~~
13 ~~requirements of this part 33~~ OR RULES ADOPTED UNDER THIS PART 33 is
14 subject to revocation or suspension of a seller's registration, fines, or any
15 other measures as prescribed by ~~rule promulgated by~~ RULES THAT the
16 division PROMULGATES or BY other applicable Colorado law. The division
17 may issue a fine of up to ten thousand dollars for each violation. Multiple
18 violations of this part 33 OR RULES ADOPTED UNDER THIS PART 33 THAT
19 ARE committed during a single sale constitute one violation. Each sale
20 performed in violation of this part 33 OR RULES ADOPTED UNDER THIS
21 PART 33 constitutes a separate violation. Fines must be paid to the
22 division and transmitted to the state treasurer, who must credit the ~~fees~~
23 FINES to the building regulation fund created in section 24-32-3309.

24 **SECTION 22.** In Colorado Revised Statutes, 24-32-3327, **amend**
25 (1) as follows:

26 **24-32-3327. Inspections.** (1) For the purposes of enforcement of
27 this part 33, persons duly designated by the division, upon presenting

1 appropriate credentials to the owner, operator, or agent in charge, are
2 authorized:

3 (a) To enter at reasonable times and without advance notice any
4 factory, warehouse, or establishment in which manufactured homes, TINY
5 HOMES or factory-built structures are manufactured, stored, or held for
6 sale;

7 (b) To inspect at reasonable times, within reasonable limits, and
8 in a reasonable manner, any factory, warehouse, or establishment in
9 which manufactured homes, TINY HOMES or factory-built structures are
10 manufactured, stored, or held for sale and to inspect any books, papers,
11 records, and documents that relate to the safety of manufactured homes,
12 TINY HOMES, or factory-built structures. Each inspection must be
13 commenced and completed with reasonable promptness.

14 (c) To enter and inspect, at reasonable times and without advance
15 notice, any site on which A manufactured ~~housing~~ HOME OR A TINY HOME
16 is BEING or has been installed or reinstalled at or near the time of
17 installation or reinstallation; and

18 (d) To inspect any books, papers, records, and documents that
19 relate to the proper installation of A manufactured ~~housing~~ HOME OR A
20 TINY HOME.

21 **SECTION 23.** In Colorado Revised Statutes, **add** 24-32-3328 and
22 24-32-3329 as follows:

23 **24-32-3328. Tiny homes - RV residences - standards - registry**
24 **- rules.** (1) THE BOARD SHALL PROMULGATE RULES ESTABLISHING
25 STANDARDS FOR THE MANUFACTURE OF TINY HOMES. THE BOARD MAY USE
26 ANY NATIONAL OR INTERNATIONAL STANDARD THAT IS APPROPRIATE FOR
27 ALL OR A PORTION OF A TINY HOME IF THE BOARD FINDS THAT THE

1 STANDARD PROVIDES FOR REASONABLE SAFETY STANDARDS FOR TINY
2 HOME OCCUPANTS. THE BOARD MAY MODIFY, BY RULE, ANY NATIONAL OR
3 INTERNATIONAL STANDARD ADOPTED UNDER THIS SUBSECTION (1) AS
4 NECESSARY FOR USE IN COLORADO.

5 (2) THE BOARD SHALL ESTABLISH STANDARDS FOR CONNECTING
6 A TINY HOME OR RV RESIDENCE TO UTILITIES, INCLUDING WATER, SEWER,
7 NATURAL GAS, AND ELECTRICITY.

8 (3) (a) (I) THE BOARD SHALL ESTABLISH A TINY HOME AND RV
9 RESIDENCE REGISTRY FOR:

10 (A) TINY HOMES THAT ARE MANUFACTURED BEFORE JULY 1, 2023,
11 AND ARE NOT MANUFACTURED IN ACCORDANCE WITH THE STANDARDS
12 ESTABLISHED UNDER SUBSECTION (1) OF THIS SECTION OR IN ACCORDANCE
13 WITH SECTION 24-32-904.5 (1)(a); AND

14 (B) RV RESIDENCES.

15 (II) THE TINY HOME AND RV RESIDENCE REGISTRY MUST CONTAIN
16 A PLACE TO NOTE THE FOLLOWING INFORMATION FOR A TINY HOME OR RV
17 RESIDENCE:

18 (A) THE UNIQUE NUMBER ASSIGNED TO THE TINY HOME OR RV
19 RESIDENCE;

20 (B) THE DATE OF MANUFACTURE;

21 (C) THE LENGTH OF OCCUPANCY;

22 (D) WHETHER THE TINY HOME OR RV RESIDENCE HAS BEEN
23 INSPECTED BY OR APPROVED FOR USE BY A MASTER ELECTRICIAN LICENSED
24 UNDER ARTICLE 115 OF TITLE 12;

25 (E) WHETHER THE TINY HOME OR RV RESIDENCE HAS BEEN
26 INSPECTED BY OR APPROVED FOR USE BY A MASTER PLUMBER LICENSED
27 UNDER ARTICLE 155 OF TITLE 12;

1 (F) WHETHER THE TINY HOME OR RV RESIDENCE HAS BEEN
2 INSPECTED BY OR APPROVED FOR USE BY A STRUCTURAL ENGINEER
3 LICENSED UNDER PART 2 OF ARTICLE 120 OF TITLE 12; AND

4 (G) WHETHER THE TINY HOME OR RV RESIDENCE HAS BEEN
5 INSPECTED BY OR APPROVED FOR USE BY A FIRE PROTECTION ENGINEER.

6 (b) THE DIVISION SHALL ADMINISTER THE REGISTRY ESTABLISHED
7 IN ACCORDANCE WITH THIS SECTION AND MAKE THE REGISTRY AVAILABLE
8 TO LOCAL GOVERNMENTS BY ELECTRONIC MEANS. THE DIVISION MAY
9 ESTABLISH A SYSTEM IN WHICH LOCAL GOVERNMENTS DIRECTLY AND
10 ELECTRONICALLY RECORD, IN THE REGISTRY, TINY HOMES AND RV
11 RESIDENCES.

12 **24-32-3329. Local governments inspections of tiny homes and**
13 **RV residences - connection to utilities - rules.** (1) (a) (I) A LOCAL
14 GOVERNMENT MAY REQUIRE THE INSPECTION OF A TINY HOME
15 MANUFACTURED BEFORE JULY 1, 2023, IF THE TINY HOME IS NOT
16 MANUFACTURED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED
17 UNDER SECTION 24-32-3328. THE LOCAL GOVERNMENT THAT REQUIRES
18 THE INSPECTION SHALL REGISTER THE TINY HOME IN ACCORDANCE WITH
19 SECTION 24-32-3328 (3).

20 (II) A LOCAL GOVERNMENT MAY REQUIRE THE INSPECTION OF AN
21 RV RESIDENCE. THE LOCAL GOVERNMENT THAT REQUIRES THE
22 INSPECTION SHALL REGISTER THE RV RESIDENCE IN ACCORDANCE WITH
23 SECTION 24-32-3328 (3).

24 (b) UPON REGISTERING A TINY HOME OR RV RESIDENCE, THE
25 DIVISION SHALL ASSIGN THE TINY HOME OR RV RESIDENCE A UNIQUE
26 NUMBER, RECORD THE NUMBER IN THE REGISTRY, AND COMMUNICATE THE
27 UNIQUE NUMBER TO THE LOCAL GOVERNMENT. THE LOCAL GOVERNMENT

1 SHALL PERMANENTLY AFFIX OR PHYSICALLY INSCRIBE THE UNIQUE
2 NUMBER ONTO THE TINY HOME OR RV RESIDENCE IN ACCORDANCE WITH
3 THE RULES OF THE BOARD.

4 (2) (a) A STATE ELECTRICAL INSPECTOR OR A LOCAL GOVERNMENT
5 MAY APPROVE THE CONNECTION OF A REGISTERED TINY HOME OR OF A
6 REGISTERED RV RESIDENCE FOR ELECTRIC UTILITY SERVICE IF:

7 (I) THE TINY HOME IS IN COMPLIANCE WITH APPLICABLE CODES
8 AND STANDARDS FOR CONNECTION FOR ELECTRIC UTILITY SERVICE; OR

9 (II) THE RV RESIDENCE WAS MANUFACTURED IN COMPLIANCE
10 WITH PART 9 OF THIS ARTICLE 32 AND IS IN COMPLIANCE WITH APPLICABLE
11 CODES AND STANDARDS FOR CONNECTION FOR ELECTRIC UTILITY SERVICE.

12 (b) A STATE PLUMBING INSPECTOR OR A LOCAL GOVERNMENT MAY
13 APPROVE THE CONNECTION OF A REGISTERED TINY HOME OR OF A
14 REGISTERED RV RESIDENCE FOR WATER, GAS, OR SEWER UTILITY SERVICE
15 IF:

16 (I) THE TINY HOME IS IN COMPLIANCE WITH APPLICABLE CODES
17 AND STANDARDS FOR CONNECTION FOR WATER, GAS, OR SEWER UTILITY
18 SERVICE; OR

19 (II) THE RV RESIDENCE WAS MANUFACTURED IN COMPLIANCE
20 WITH PART 9 OF THIS ARTICLE 32 AND IS IN COMPLIANCE WITH APPLICABLE
21 CODES AND STANDARDS FOR CONNECTION FOR WATER, GAS, OR SEWER
22 UTILITY SERVICE.

23 **SECTION 24.** In Colorado Revised Statutes, 24-32-904.5,
24 **amend** (1) introductory portion and (1)(a) as follows:

25 **24-32-904.5. Compliance with national standards -**
26 **recreational park trailers - recreational vehicles.** (1) ~~No~~ A person,
27 partnership, firm, corporation, or any other entity ~~may~~ SHALL NOT

1 manufacture, sell, or offer for sale within this state:

2 (a) Any new recreational vehicle that is not manufactured in
3 compliance with the ~~American national standards institute's (ANSI's)~~
4 ~~standard A-119.2 NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD~~
5 1192 for recreational vehicles or any SUCCESSOR STANDARD OR
6 amendment; ~~thereto~~; or

7 **SECTION 25.** In Colorado Revised Statutes, 6-1-105, **amend**
8 (1)(ss) as follows:

9 **6-1-105. Unfair or deceptive trade practices.** (1) A person
10 engages in a deceptive trade practice when, in the course of the person's
11 business, vocation, or occupation, the person:

12 (ss) Violates any provision of part 33 of article 32 of title 24
13 ~~C.R.S.~~, that applies to the installation of manufactured homes OR TINY
14 HOMES;

15 **SECTION 26.** In Colorado Revised Statutes, **amend** 6-1-709 as
16 follows:

17 **6-1-709. Sales of manufactured and tiny homes - deceptive**
18 **trade practices.** A person engages in a deceptive trade practice when, in
19 the course of ~~such~~ THE person's business, vocation, or occupation, ~~such~~
20 THE person engages in conduct that constitutes an unlawful manufactured
21 home ~~sale practice as~~ SALES PRACTICE OR AN UNLAWFUL TINY HOME
22 SALES PRACTICE, AS EITHER SALES PRACTICE IS described in section
23 24-32-3326. ~~C.R.S.~~

24 **SECTION 27.** In Colorado Revised Statutes, 12-115-103, **add**
25 (11.5) and (13) as follows:

26 **12-115-103. Definitions.** As used in this article 115, unless the
27 context otherwise requires:

1 (11.5) "RV RESIDENCE" HAS THE MEANING SET FORTH IN SECTION
2 24-32-3302 (31.5).

3 (13) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
4 24-32-3302 (35).

5 **SECTION 28.** In Colorado Revised Statutes, 12-115-120, **amend**
6 (1)(c), (2)(a), (2)(c), and (10)(d) as follows:

7 **12-115-120. Inspection - application - standard - rules.**

8 (1) (c) A utility shall not provide service to any person required to have
9 electrical inspection under this article 115 without proof of final approval
10 as provided in subsection (1)(b) of this section; except that THE UTILITY
11 SHALL PROVIDE service:

12 (I) ~~shall be provided~~ In those situations determined by the local
13 electrical inspection authority, or by the board, whichever has jurisdiction,
14 to be emergency situations for a maximum period of seven days or until
15 the inspection has been made; OR

16 (II) IF THE BOARD OR AN INSPECTING ENTITY HAS APPROVED A
17 TINY HOME OR RV RESIDENCE CONNECTION FOR ELECTRIC UTILITY
18 SERVICE IN ACCORDANCE WITH SECTION 24-32-3329 (2) AND IF THE TINY
19 HOME OR RV RESIDENCE HAS BEEN REGISTERED IN ACCORDANCE WITH
20 SECTION 24-32-3328.

21 (2) (a) The owner of an electrical installation in any new
22 construction, other than manufactured units certified by the division of
23 housing pursuant to section 24-32-3311 OR A TINY HOME MANUFACTURED
24 TO THE STANDARDS OF SECTION 24-32-3328 (1), or remodeling or repair
25 of an existing construction, except in any incorporated town or city,
26 county, city and county, or qualified state institution of higher education
27 having its own electrical code and inspection program equal to the

1 minimum standards as are provided in this article 115, shall have the
2 electrical portion of the installation, remodeling, or repair inspected by a
3 state electrical inspector. A qualified state institution of higher education
4 with a building department that meets or exceeds the minimum standards
5 adopted by the board under this article 115 shall process applications for
6 permits and inspections only from the institution and from contractors
7 working for the benefit of the institution and shall conduct inspections
8 only of work performed for the benefit of the institution.

9 (c) A manufactured home, mobile home, TINY HOME, RV
10 RESIDENCE, or movable structure owner shall have the electrical
11 installation for the manufactured home, mobile home, TINY HOME, RV
12 RESIDENCE, or movable structure inspected prior to obtaining electric
13 service. AN INSPECTION OF A TINY HOME OR RV RESIDENCE PERFORMED
14 IN ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS
15 SUBSECTION (2)(c) IF THE TINY HOME OR RV RESIDENCE HAS BEEN
16 REGISTERED IN ACCORDANCE WITH SECTION 24-32-3328.

17 (10) (d) (I) The board shall ensure compliance with this section.
18 If the board determines, as a result of a complaint, that an entity other
19 than the state is conducting electrical inspections that do not comply with
20 this section, the board may issue to that entity an order to show cause, in
21 accordance with sections 12-20-405 and 12-115-122 (6), as to why the
22 board should not issue a final order directing that entity to cease and
23 desist conducting electrical inspections until that entity comes into
24 compliance to the satisfaction of the board.

25 (II) THE BOARD SHALL NOT ISSUE A CEASE-AND-DESIST ORDER TO
26 AN INSPECTING ENTITY BECAUSE THE INSPECTING ENTITY APPROVED THE
27 OCCUPANCY OF ONE OR MORE TINY HOMES OR RV RESIDENCES IF THE TINY

1 HOMES OR RV RESIDENCES HAVE BEEN APPROVED IN ACCORDANCE WITH
2 SECTION 24-32-3329.

3 (III) If the use of state electrical inspectors is required after the
4 issuance of a final cease-and-desist order pursuant to this subsection
5 (10)(d), that entity shall reimburse the board for any expenses incurred in
6 performing that entity's inspections, in addition to transmitting the
7 required permit fees.

8 **SECTION 29.** In Colorado Revised Statutes, 12-155-103, **add**
9 (13.4) and (13.5) as follows:

10 **12-155-103. Definitions.** As used in this article 155, unless the
11 context otherwise requires:

12 (13.4) "RV RESIDENCE" HAS THE MEANING SET FORTH IN SECTION
13 24-32-3302 (31.5).

14 (13.5) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
15 24-32-3302 (35).

16 **SECTION 30.** In Colorado Revised Statutes, 12-155-105, **amend**
17 (2) introductory portion as follows:

18 **12-155-105. Powers of board - fees - rules.** (2) Notwithstanding
19 any other provisions to the contrary, the board may, with regard to
20 manufactured housing that is subject to ~~part 7~~ of article 32 of title 24:

21 **SECTION 31.** In Colorado Revised Statutes, 12-155-118, **amend**
22 (3) as follows:

23 **12-155-118. Exemptions.** (3) Nothing in this article 155 shall be
24 construed to apply to the manufacture of housing that is subject to the
25 provisions of ~~part 7~~ of article 32 of title 24 or the installation of individual
26 residential or temporary construction units of manufactured housing water
27 and sewer hookups inspected pursuant to ~~section 12-155-105~~ SECTION

1 12-155-105 (2).

2 **SECTION 32.** In Colorado Revised Statutes, 12-155-120, **amend**
3 (1) and (10)(c) as follows:

4 **12-155-120. Inspection - application - standards.** (1) (a) Any
5 plumbing or gas piping installation in any new construction or remodeling
6 or repair, other than manufactured units inspected in accordance with ~~the~~
7 ~~provisions of part 7~~ of article 32 of title 24, except for the new
8 construction or remodeling or repair in any incorporated town or city,
9 county, or city and county, or in a building owned or leased or on land
10 owned by a qualified state institution of higher education where the local
11 entity or qualified state institution of higher education conducts
12 inspections and issues permits, must be inspected by a state plumbing
13 inspector.

14 (b) A state plumbing inspector shall inspect any new construction,
15 remodeling, or repair subject to ~~the provisions of~~ this subsection (1)
16 within three working days after the receipt of the application for
17 inspection.

18 (c) Prior to the commencement of any plumbing or gas piping
19 installation, the person making the installation shall apply for a permit
20 and pay the required fee.

21 (d) Every mobile home, TINY HOME, RV RESIDENCE, or movable
22 structure owner shall have the plumbing and gas piping hookup for the
23 mobile home, TINY HOME, RV RESIDENCE, or movable structure inspected
24 prior to obtaining new or different plumbing or gas service. AN
25 INSPECTION OF A TINY HOME OR RV RESIDENCE PERFORMED IN
26 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION
27 (1)(d) IF THE TINY HOME OR RV RESIDENCE HAS BEEN REGISTERED IN

1 ACCORDANCE WITH SECTION 24-32-3328.

2 (e) A qualified state institution of higher education with a building
3 department that meets or exceeds the minimum standards adopted by the
4 board under this article 155 shall process applications for permits and
5 inspections only from the institution and from contractors working for the
6 benefit of the institution, and shall conduct inspections only of work
7 performed for the benefit of the institution. Each inspection must include
8 a contemporaneous review to ensure that the requirements of section
9 12-155-108 have been met. A qualified state institution of higher
10 education shall enforce standards that are at least as stringent as any
11 minimum standards adopted by the board.

12 (10) (c) (I) The board shall ensure compliance with this section.
13 If the board determines, as a result of a formal complaint, that an
14 inspecting entity is conducting plumbing inspections that do not comply
15 with this section, the board may issue to the inspecting entity an order to
16 show cause, in accordance with section 12-155-105 (1)(m), as to why the
17 board should not issue a final order directing the inspecting entity to cease
18 and desist conducting plumbing inspections until the inspecting entity
19 comes into compliance to the satisfaction of the board.

20 (II) THE BOARD SHALL NOT ISSUE A CEASE-AND-DESIST ORDER TO
21 AN INSPECTING ENTITY BECAUSE THE INSPECTING ENTITY APPROVED THE
22 OCCUPANCY OF ONE OR MORE TINY HOMES OR RV RESIDENCES IF THE TINY
23 HOMES OR RV RESIDENCES HAVE BEEN APPROVED IN ACCORDANCE WITH
24 SECTION 24-32-3329.

25 (III) If the use of state plumbing inspectors is required after the
26 issuance of a final cease-and-desist order pursuant to this subsection
27 (10)(c), the inspecting entity shall reimburse the board for any expenses

1 incurred in performing the inspecting entity's inspections, in addition to
2 transmitting the required permit fees.

3 **SECTION 33.** In Colorado Revised Statutes, 38-12-201.5,
4 **amend** (5)(a); and **add** (5)(c) and (5)(d) as follows:

5 **38-12-201.5. Definitions.** As used in this part 2 and in part 11 of
6 this article 12, unless the context otherwise requires:

7 (5) "Mobile home" means:

8 (a) A single-family dwelling that is built on a permanent chassis;
9 is designed for long-term residential occupancy; contains complete
10 electrical, plumbing, and sanitary facilities; is designed to be installed in
11 a permanent or semipermanent manner with or without a permanent
12 foundation; and is capable of being drawn over public highways as a unit
13 or in sections by special permit; ~~or~~

14 (c) A TINY HOME, AS DEFINED IN SECTION 24-32-3302 (35), THAT
15 IS USED AS PERMANENT OR SEMI-PERMANENT LIVING QUARTERS; OR

16 (d) AN RV RESIDENCE, AS DEFINED IN SECTION 24-32-3302 (31.5).

17 **SECTION 34. Act subject to petition - effective date -**
18 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
19 the expiration of the ninety-day period after final adjournment of the
20 general assembly; except that, if a referendum petition is filed pursuant
21 to section 1 (3) of article V of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act, item,
23 section, or part will not take effect unless approved by the people at the
24 general election to be held in November 2022 and, in such case, will take
25 effect on the date of the official declaration of the vote thereon by the
26 governor.

1 (2) This act applies to acts committed on or after the applicable
2 effective date of this act.