

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0415.01 Jery Payne x2157

HOUSE BILL 22-1242

HOUSE SPONSORSHIP

Kipp and Exum,

SENATE SPONSORSHIP

Ginal and Hisey,

House Committees

Transportation & Local Government

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 board consults with an advisory committee when promulgating rules.

The bill adds tiny homes, which are typically manufactured, to this regulation on substantially similar terms. This includes adding 2 representatives of the tiny home industry to the advisory committee. The board is given the duty to regulate foundations for manufactured homes and factory-built structures where no construction standards otherwise exist.

In addition to adding tiny homes to these provisions, the bill addresses tiny home 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 to utilities, including water, sewer, natural gas, and electricity;
- A local government may require the inspection of a tiny home manufactured before July 1, 2023, if the tiny home is not manufactured in accordance with the board's standards;
- A state electrical inspector or a local government may approve the connection of a tiny home for electric utility service if the tiny home is in compliance with applicable codes and standards for connection for electric utility service; and
- A state plumbing inspector or a local government may approve the connection of a tiny home for water, gas, or sewer utility service if the tiny home is in compliance with applicable codes and standards for connection for water, gas, or sewer utility service.

If a tiny home is approved for connection to utilities through the process described above, the tiny home 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 under these provisions.

Current law exempts manufactured homes from sales and use tax. The bill adds tiny homes to this exemption.

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), (2)(d)
4 and (3); and **add** (1)(f) and (2)(e) 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
12 general assembly encourages local governments to enact ordinances and
13 rules that effectively treat factory-built ~~housing~~ STRUCTURES certified
14 through the state program and manufactured housing certified through the
15 federal program the same as site-built homes. The general assembly
16 further finds, determines, and declares that:

17 (b) The comprehensive regulation of the installation of MOBILE
18 HOMES, manufactured homes, OR TINY HOMES to ensure safety,
19 affordability, efficiency, and performance is a matter of statewide and
20 local concern.

21 (c) The protection of Colorado consumers who purchase

1 manufactured homes OR TINY HOMES from fraud and other unfair business
2 practices is a matter of statewide concern and consumers can best be
3 protected by:

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

6 (II) Imposing escrow and bonding requirements upon persons
7 engaged in the business of selling manufactured homes OR TINY HOMES;
8 and

9 (III) Requiring persons engaged in the business of selling
10 manufactured homes OR TINY HOMES to include specified disclosures and
11 provisions in any contract for the sale of a manufactured home OR TINY
12 HOME.

13 (d) The imposition of registration requirements upon THE sellers
14 of manufactured homes OR TINY HOMES by both the state and political
15 subdivisions of the state would impose an undue burden upon THE sellers
16 of manufactured homes OR TINY HOMES and discourage the sale of
17 manufactured homes OR TINY HOMES.

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

23 (f) THE REGULATION OF TINY HOMES IS NECESSARY TO PROTECT
24 CONSUMER SAFETY AND KEEP TINY HOMES AS AN AFFORDABLE HOUSING
25 ALTERNATIVE.

26 (2) The general assembly further declares that in enacting this part
27 33, it is the intent of the general assembly that the division establish,

1 through the board, rules as it deems necessary to ensure:

2 (b) Consumer safety in the purchase of manufactured homes OR
3 TINY HOMES;

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

7 (d) The safety, affordability, and performance of hotels, motels,
8 and multifamily structures in areas of the state where no construction
9 standards for hotels, motels, and multifamily structures exist; AND

10 (e) THE SAFETY OF FOUNDATION SYSTEMS FOR TINY HOMES,
11 MANUFACTURED HOMES AND FACTORY-BUILT STRUCTURES IN AREAS OF
12 THE STATE WHERE NO CONSTRUCTION STANDARDS FOR TINY HOMES,
13 MANUFACTURED HOMES, AND FACTORY-BUILT STRUCTURES EXIST.

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

21 **SECTION 2.** In Colorado Revised Statutes, 24-32-3302, **amend**
22 (3), (4), (6), (11), (16), (17), (20)(a), (20)(d), (26), (29), (30), (32.5), and
23 (33); and **add** (24.5), (26.5), (34), and (35) as follows:

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

26 (3) "Certificate of installation" means a certificate issued by the
27 division for an installation ~~of a manufactured home~~ that ~~meets the~~

1 ~~requirements of~~ COMPLIES WITH this part 33 AND RULES THAT THE BOARD
2 ADOPTS UNDER THIS PART 33.

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

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

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

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

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

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

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

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

19 (c) A FACTORY-BUILT TINY HOME.

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

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

25 (17) "Installer" means any person who performs the installation
26 of:

27 (a) A manufactured home, which includes multifamily structures,

1 for those with THE knowledge, experience, and skills to do so; OR
2 (b) A TINY HOME.
3 (20) "Manufactured home" means any preconstructed building
4 unit or combination of preconstructed building units or closed panel
5 systems that:
6 (a) ~~Include~~ INCLUDES electrical, mechanical, or plumbing services
7 that are fabricated, formed, or assembled at a location other than the site
8 of the completed home;
9 (d) ~~Does not have motor power~~ IS NOT SELF-PROPELLED; and
10 (24.5) "MOBILE HOME PARK" HAS THE MEANING SET FORTH IN
11 SECTION 38-12-201.5 (6).
12 (26) "Owner" means the owner of a manufactured home OR TINY
13 HOME.
14 (26.5) "PERMANENT FOUNDATION" MEANS A STRUCTURE THAT IS
15 DESIGNED OR INTENDED TO:
16 (a) SUPPORT A BUILDING FROM UNDERNEATH;
17 (b) KEEP A BUILDING FIRMLY AFFIXED TO THE GROUND;
18 (c) PREVENT THE BUILDING FROM MOVING; AND
19 (d) NOT BE REMOVED FROM THE GROUND OR BUILDING.
20 (29) "Purchaser" means the first person purchasing a
21 manufactured home OR TINY HOME IF EITHER IS PURCHASED in good faith
22 for purposes other than resale.
23 (30) "Quality assurance representative" means any state, firm,
24 corporation, or other entity that proposes to conduct production reviews,
25 evaluate a manufacturer's quality control procedures, and perform design
26 evaluations. ~~for factory-built structures.~~
27 (32.5) "Seller" means any person engaged in the business of

1 selling manufactured homes to be installed in Colorado OR TINY HOMES
2 TO BE OCCUPIED OR INSTALLED IN COLORADO.

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

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

7 (a) SUPPORT A BUILDING FROM UNDERNEATH;

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

9 (c) PREVENT THE BUILDING FROM MOVING; AND

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

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

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

13 (II) IS DESIGNED FOR LONG-TERM RESIDENCY;

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

17 (IV) IS NOT SELF-PROPELLED; AND

18 (V) HAS A SQUARE FOOTAGE OF NOT MORE THAN FOUR HUNDRED
19 SQUARE FEET.

20 (b) "TINY HOME" DOES NOT INCLUDE:

21 (I) A MANUFACTURED HOME;

22 (II) A RECREATIONAL PARK TRAILER AS DEFINED IN SECTION
23 24-32-902 (8);

24 (III) A RECREATIONAL VEHICLE AS DEFINED IN SECTION 24-32-902
25 (9);

26 (IV) A SEMITRAILER AS DEFINED IN SECTION 42-1-102 (89); OR

27 (V) AN INTERMODAL SHIPPING CONTAINER.

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

3 **24-32-3303. Division of housing - powers and duties - rules.**

4 (1) The division has the following powers and duties pursuant to this part
5 33:

6 (e) To enforce requirements concerning ~~the installation of~~
7 ~~manufactured homes~~ INSTALLATIONS, including the registration and
8 certification status of installers;

9 (f) To enforce requirements concerning the sale of TINY HOMES
10 AND OF manufactured homes, including the registration status of sellers;
11 and

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

14 **24-32-3304. State housing board - powers and duties - rules.**

15 (1) The board has the following powers and duties pursuant to this part
16 33:

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

19 (f) TO PROMULGATE RULES ESTABLISHING STANDARDS FOR TINY
20 HOMES THAT COVER THE MANUFACTURE OF, ASSEMBLY OF, AND
21 INSTALLATION OF TINY HOMES; AND

22 (g) TO PROMULGATE UNIFORM FOUNDATION CONSTRUCTION
23 STANDARDS FOR FACTORY-BUILT STRUCTURES OR TINY HOMES IN THOSE
24 AREAS OF THE STATE WHERE NO STANDARDS EXIST.

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

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

3 (b) The safety of consumers purchasing manufactured homes OR
4 TINY HOMES;

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

6 (e) THE IMPLEMENTATION OF SECTIONS 24-32-3328 AND
7 24-32-3329; AND

8 (f) THE SAFETY OF FOUNDATION SYSTEMS FOR MANUFACTURED
9 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES IN AREAS OF THE
10 STATE WHERE NO CONSTRUCTION STANDARDS FOR MANUFACTURED
11 HOMES, TINY HOMES, AND FACTORY-BUILT STRUCTURES EXIST.

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

21 (3) (a) The board must consult with and obtain the advice of an
22 advisory committee on ~~residential and nonresidential~~ FACTORY-BUILT
23 structures AND TINY HOMES in the drafting and promulgation of rules. The
24 committee consists of ~~twelve~~ FOURTEEN members appointed by the
25 division from the following professional and technical disciplines:

26 (I) One from architecture;

27 (II) One from structural engineering;

- 1 (III) Three from building code enforcement;
- 2 (IV) One from mechanical engineering or contracting;
- 3 (V) One from electrical engineering or contracting;
- 4 (VI) One from the plumbing industry;
- 5 (VII) One from the construction design or producer industry;
- 6 (VIII) Two from manufactured housing;
- 7 (IX) TWO FROM THE TINY HOME INDUSTRY; and
- 8 (X) One from organized labor.

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

11 **SECTION 6.** In Colorado Revised Statutes, 24-32-3306, **amend**
12 (1) as follows:

13 **24-32-3306. Recognition of similar standards - compliance**
14 **with standards.** (1) If the division determines that standards for
15 factory-built STRUCTURES, TINY HOMES, or manufactured ~~housing~~ HOMES
16 prescribed by statute or rule of another state or by the United States
17 department of housing and urban development are reasonably consistent
18 with, or equal to, standards required by this part 33, it may provide by rule
19 that factory-built STRUCTURES, TINY HOMES, or manufactured ~~housing~~
20 HOMES approved by the other state or by the department ~~meets~~ MEET the
21 standards required by this part 33.

22 **SECTION 7.** In Colorado Revised Statutes, 24-32-3307, **amend**
23 (1) as follows:

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

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

5 (II) A TINY HOME BY FILING AN AFFIDAVIT SPECIFYING THE
6 MANNER IN WHICH THE TINY HOME DOES NOT CONFORM TO THIS PART 33
7 OR TO RULES PROMULGATED UNDER SECTION 24-32-3305 (1)(e) OR
8 24-32-3328.

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

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

13 **24-32-3309. Fees - building regulation fund - rules.**

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

21 (II) Before ~~establishing~~ THE BOARD ESTABLISHES the schedule of
22 fees, the division, ~~must~~ FOR THE BOARD'S CONSIDERATION, SHALL gather
23 information regarding the fees charged by:

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

27 (B) ~~the fees charged by~~ Governmental entities outside of Colorado

1 for the inspection and certification of manufactured homes ~~for the board's~~
2 ~~consideration~~ OR TINY HOMES.

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

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

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

25 (b) To provide consumer training throughout the state that will
26 help a consumer make informed decisions when purchasing or
27 considering the purchase of a mobile home, manufactured home, TINY

1 HOME, or factory-built structure; and

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

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

9 **24-32-3311. Certification of factory-built structures.**

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

23 (II) The division may authorize a local government to inspect and
24 approve work that is completed ~~onsite using components shipped with the~~
25 ~~factory-built structure~~ AT THE INSTALLATION SITE as reflected in the
26 approved plans for the factory-built structure. A local government may
27 charge inspection fees if authorized to assist the division to inspect and

1 approve work ON A FACTORY-BUILT STRUCTURE that is completed onsite
2 ~~using components shipped with the factory-built structure~~ AT THE
3 INSTALLATION SITE as reflected in the approved plans for the factory-built
4 structure.

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

21 (6) All work at a THE INSTALLATION site that is unrelated to the
22 installation of a factory-built structure or ~~components shipped with~~
23 UNRELATED TO COMPLETING CONSTRUCTION OF A FACTORY-BUILT
24 STRUCTURE AT THE INSTALLATION SITE AS REFLECTED IN THE APPROVED
25 PLANS FOR the factory-built structure, including additions, modifications,
26 and repairs to a factory-built structure, ~~are~~ IS subject to applicable local
27 government rules.

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

3 **24-32-3313. Injunctive relief.** ~~The division may request the~~
4 ~~appropriate court to enjoin the sale or delivery of any factory-built~~
5 ~~structure upon an affidavit, specifying the manner in which the~~
6 ~~factory-built structure does not conform to the requirements of this part~~
7 ~~33 or the rules promulgated pursuant to this part 33. The division may~~
8 ~~suspend the authority of a manufacturer to affix insignias while injunctive~~
9 ~~relief is being sought.~~

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

12 **24-32-3315. Installers of manufactured homes and tiny homes**
13 **- registration - fees - educational requirements - rules.** (1) (c) (I) A
14 homeowner ~~who~~ IS NOT REQUIRED TO REGISTER AS AN INSTALLER WITH
15 THE DIVISION IF THE HOMEOWNER installs the ~~owner's~~ HOMEOWNER'S own
16 manufactured home that is a one- or two-family dwelling INTENDED FOR
17 THE HOMEOWNER'S OWN PERSONAL USE OR A TINY HOME intended for ~~their~~
18 THE HOMEOWNER'S own personal use, ~~is not required to register as an~~
19 ~~installer with the division~~, but THE HOMEOWNER must comply with all
20 provisions of this part 33 other than registration provisions. A homeowner
21 is limited to ~~the~~ ONE installation of ~~one manufactured home~~ in any
22 twelve-month period and ~~a total of~~ no more than five during ~~their~~ THE
23 HOMEOWNER'S lifetime.

24 (II) A homeowner installing ~~their~~ THE HOMEOWNER'S own
25 MANUFACTURED HOME OR TINY home ~~is required to~~ SHALL do ~~their own~~
26 THE installation work. If the homeowner has another person perform
27 installation work, ~~on their manufactured home~~, that person is required to

1 MUST be a registered or certified installer.

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

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

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

15 **24-32-3315.5. Contract for the installation of manufactured**
16 **homes and tiny homes - requirements.** (1) A registered or certified
17 installer must provide a contract for the installation of each manufactured
18 home OR TINY HOME and make the following disclosures in any contract
19 for the installation of a manufactured home OR TINY HOME:

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

23 (b) That an aggrieved person may file a complaint with the
24 division concerning the performance of the installation, ~~of the~~
25 ~~manufactured home,~~ including making a claim against the letter of credit,
26 certificate of deposit, or surety bond filed with the division; and

27 **SECTION 13.** In Colorado Revised Statutes, 24-32-3316, **amend**

1 (1) as follows:

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

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

13 **24-32-3317. Installation of manufactured homes and tiny**
14 **homes - authorization - certificates - inspections - inspector**
15 **qualification and education requirements - rules.** (1) Before beginning
16 ~~the AN installation, of a manufactured home,~~ the owner or registered
17 installer of a manufactured home OR TINY HOME must submit a request to
18 the division and receive an installation authorization from the division on
19 a division-approved form, unless the installation is occurring in a
20 jurisdiction where a local government is participating as an independent
21 contractor, in which case the owner or registered installer is to follow the
22 local government's process for receiving authorization to install a
23 manufactured home OR TINY HOME.

24 (2) The division may certify any installer who provides evidence
25 of five or more installations of manufactured homes OR TINY HOMES
26 performed by the installer for which installation authorizations have
27 previously been issued ~~pursuant to~~ IN ACCORDANCE WITH this section

1 when, in the judgment of the division, the installer has demonstrated the
2 ability to successfully complete installations ~~of manufactured homes~~ in
3 accordance with ~~the requirements of~~ this part 33.

4 (2.3) An installer certified by the division is not required to obtain
5 an installation authorization from the division, but A CERTIFIED INSTALLER
6 is required to obtain authorization to install a manufactured home OR TINY
7 HOME from any local government participating as an independent
8 contractor. FOR ANY INSTALLATION OCCURRING WITHIN THE JURISDICTION
9 OF A LOCAL GOVERNMENT NOT PARTICIPATING AS AN INDEPENDENT
10 CONTRACTOR, THE CERTIFIED INSTALLER, UPON COMPLETION OF THE
11 INSTALLATION IN ACCORDANCE WITH THIS PART 33 AND BOARD RULES,
12 SHALL AFFIX ON THE MANUFACTURED HOME OR TINY HOME an installation
13 insignia issued by the division. ~~is to be affixed on the manufactured home~~
14 ~~by the certified installer upon completion of the installation of the~~
15 ~~manufactured home in accordance with the requirements of this part 33~~
16 ~~and board rules in any jurisdiction not participating as an independent~~
17 ~~contractor.~~

18 (2.9) The division or AN independent contractor at the request of
19 the division may, at the division's sole discretion, inspect ~~the~~ AN
20 installation ~~of any manufactured home~~ performed by a certified installer
21 ~~pursuant to this subsection (2.9)~~ and may require the certified installer to
22 correct, within a period established by rule promulgated by the board, any
23 defects or deficiencies in the installation. The division may revoke the
24 certification of any installer ~~certified pursuant to this subsection (2.9)~~
25 when, in the judgment of the division, the installer has performed
26 ~~installations of a manufactured home~~ AN INSTALLATION in violation of ~~the~~
27 ~~requirements of~~ this part 33 OR BOARD RULES ADOPTED UNDER THIS PART

1 33. Any installer whose certification has been so revoked may apply for
2 recertification in accordance with rules promulgated by the division.

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

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

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

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

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

20 (B) ~~upon a ceasing of business operations or a bankruptcy filing~~
21 ~~by the registered installer~~ IF THE REGISTERED INSTALLER CEASES BUSINESS
22 OPERATIONS OR FILES FOR BANKRUPTCY.

23 (II) THE DIVISION MAY SUSPEND OR REVOKE THE REGISTRATION OF
24 any installer who fails to provide a letter of credit, certificate of deposit,
25 or surety bond as required by section 24-32-3315 (2) and (6) or who
26 otherwise fails to pay any judgment by a court of competent jurisdiction
27 in favor of the division. ~~is subject to the suspension or revocation of the~~

1 registration by the division.

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

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

22 (b) If a vacant manufactured home OR TINY HOME fails an
23 installation inspection because of conditions that endanger the health or
24 safety of the occupant, the manufactured home OR TINY HOME cannot be
25 occupied UNTIL THE DEFECTS OR DEFICIENCIES THAT FORM THE BASIS OF
26 THE FAILED INSPECTION ARE CORRECTED. If a manufactured home OR TINY
27 HOME fails an installation inspection because of conditions that do not

1 endanger the health or safety of the occupant, the manufactured home OR
2 TINY HOME may be occupied pending the correction of those defects or
3 deficiencies that served as the basis of the failed inspection.

4 (6) In addition to inspections performed pursuant to subsection
5 (2.9) of this section, the division or the independent contractor that
6 performs inspections and enforcement of proper ~~installation of~~
7 ~~manufactured homes~~ INSTALLATIONS may inspect ~~the~~ AN installation of
8 ~~a manufactured home~~ upon request filed by the owner, installer,
9 manufacturer, or seller. ~~of the manufactured home.~~ The PARTY
10 REQUESTING THE inspection must ~~be paid for by the party that requested~~
11 PAY FOR the inspection.

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

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

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

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

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

23 (9) If an installation or subsequent repair of an installation ~~by an~~
24 ~~installer~~ fails to COMPLY WITH THE MANUFACTURER'S INSTRUCTIONS OR
25 meet the standards promulgated by the division within a period
26 determined by the division, the division ~~must~~ SHALL investigate the
27 actions of the installer. The division may revoke, suspend, or refuse to

1 renew the registration or certification of the installer for failing to comply
2 with the MANUFACTURER'S INSTRUCTIONS OR THE division's standards
3 regarding AN installation. ~~of a manufactured home~~. Any independent
4 contractor that knows of an installer whose installations ~~fail~~ HAVE FAILED
5 inspection and have not been cured by subsequent repair ~~must~~ SHALL
6 request that the division investigate the installer.

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

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

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

12 **24-32-3318. Local installation standards preempted.**

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

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

25 (b) UNLESS THE UNITED STATES DEPARTMENT OF HOUSING AND
26 URBAN DEVELOPMENT HAS GRANTED AN EXEMPTION TO A LOCAL
27 GOVERNMENT, a local government ~~may~~ SHALL not impose:

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

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

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

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

19 **24-32-3321. Investigations of consumer complaints.** The
20 division may investigate complaints filed by owners, occupants, or other
21 consumers relating to the construction of factory-built structures and
22 manufactured homes, and the ~~sale~~ or installation OR SALE of
23 manufactured homes AND TINY HOMES as necessary to enforce and
24 administer this part 33.

25 **SECTION 17.** In Colorado Revised Statutes, **repeal** 24-32-3322
26 as follows:

27 **24-32-3322. Training of inspectors - acceptance of gifts,**

1 **grants, and donations.** ~~(1) On and after July 1, 2000, the division must~~
2 ~~train independent contractors to perform installation inspections for~~
3 ~~manufactured homes. The training must enable independent contractors~~
4 ~~who successfully complete the training to become certified by the~~
5 ~~division.~~

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

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

13 **24-32-3323. Sellers of manufactured homes and tiny homes -**
14 **registration.** (1) Any seller is required to register with the division
15 before engaging in the business of selling manufactured homes ~~to be~~ OR
16 TINY HOMES IF EITHER IS installed in Colorado.

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

1 contain the address, E-MAIL ADDRESS, and telephone number of each retail
2 location operated by the applicant, as well as the location and account
3 number of the separate fiduciary account required by section 24-32-3324
4 (1) and any board rules. The division must preserve the application and
5 declaration and make them available for public inspection.

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

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

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

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

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

26 (b) Sells a manufactured home OR A TINY HOME in the course of
27 engaging in activities that are subject to ~~the provisions of~~ article 10 of

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

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

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

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

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

16 **24-32-3324. Escrow and bonding requirements - rules.**

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

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

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

27 (A) Deliver the manufactured home OR TINY HOME or refund

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

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

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

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

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

16 **24-32-3325. Contract for sale of manufactured home or tiny**
17 **home - requirements.** (1) A seller must provide a contract with the sale
18 of each manufactured home OR TINY HOME and make the following
19 disclosures in any contract for the sale of a manufactured home OR TINY
20 HOME:

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

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

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

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

8 (a) EITHER:

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

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

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

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

26 **SECTION 21.** In Colorado Revised Statutes, 24-32-3326, **amend**
27 (1) introductory portion, (1)(b), (1)(c), and (2) as follows:

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

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

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

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

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

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

25 **24-32-3327. Inspections.** (1) For the purposes of enforcement of
26 this part 33, persons duly designated by the division, upon presenting
27 appropriate credentials to the owner, operator, or agent in charge, are

1 authorized:

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

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

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

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

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

22 **24-32-3328. Tiny homes - standards - rules.** (1) THE BOARD
23 SHALL PROMULGATE RULES ESTABLISHING STANDARDS FOR THE
24 MANUFACTURE OF TINY HOMES. THE BOARD MAY USE ANY NATIONAL OR
25 INTERNATIONAL STANDARD THAT IS APPROPRIATE FOR ALL OR A PORTION
26 OF A TINY HOME IF THE BOARD FINDS THAT THE STANDARD PROVIDES FOR
27 REASONABLE SAFETY STANDARDS FOR TINY HOME OCCUPANTS. THE

1 BOARD MAY MODIFY, BY RULE, ANY NATIONAL OR INTERNATIONAL
2 STANDARD ADOPTED UNDER THIS SUBSECTION (1) AS NECESSARY FOR USE
3 IN COLORADO.

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

7 **24-32-3329. Local governments inspections of tiny homes -**
8 **connection to utilities - rules.** (1) A LOCAL GOVERNMENT MAY REQUIRE
9 THE INSPECTION OF A TINY HOME MANUFACTURED BEFORE JULY 1, 2023,
10 IF THE TINY HOME IS NOT MANUFACTURED IN ACCORDANCE WITH THE
11 STANDARDS ESTABLISHED UNDER SECTION 24-32-3328.

12 (2) (a) A STATE ELECTRICAL INSPECTOR OR A LOCAL GOVERNMENT
13 MAY APPROVE THE CONNECTION OF A TINY HOME FOR ELECTRIC UTILITY
14 SERVICE IF THE TINY HOME IS IN COMPLIANCE WITH APPLICABLE CODES
15 AND STANDARDS FOR CONNECTION FOR ELECTRIC UTILITY SERVICE.

16 (b) A STATE PLUMBING INSPECTOR OR A LOCAL GOVERNMENT MAY
17 APPROVE THE CONNECTION OF A TINY HOME FOR WATER, GAS, OR SEWER
18 UTILITY SERVICE IF THE TINY HOME IS IN COMPLIANCE WITH APPLICABLE
19 CODES AND STANDARDS FOR CONNECTION FOR WATER, GAS, OR SEWER
20 UTILITY SERVICE.

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

23 **24-32-904.5. Compliance with national standards -**
24 **recreational park trailers - recreational vehicles.** (1) ~~No~~ A person,
25 partnership, firm, corporation, or any other entity ~~may~~ SHALL NOT
26 manufacture, sell, or offer for sale within this state:

27 (a) Any new recreational vehicle that is not manufactured in

1 compliance with the ~~American national standards institute's (ANSI's)~~
2 ~~standard A 119.2 NATIONAL FIRE PROTECTION ASSOCIATION'S STANDARD~~
3 1192 for recreational vehicles or any SUCCESSOR STANDARD OR
4 amendment; ~~thereto~~; or

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

7 **6-1-105. Unfair or deceptive trade practices.** (1) A person
8 engages in a deceptive trade practice when, in the course of the person's
9 business, vocation, or occupation, the person:

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

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

15 **6-1-709. Sales of manufactured and tiny homes - deceptive**
16 **trade practices.** A person engages in a deceptive trade practice when, in
17 the course of ~~such~~ THE person's business, vocation, or occupation, ~~such~~
18 THE person engages in conduct that constitutes an unlawful manufactured
19 home ~~sale practice as~~ SALES PRACTICE OR AN UNLAWFUL TINY HOME
20 SALES PRACTICE, AS EITHER SALES PRACTICE IS described in section
21 24-32-3326. ~~C.R.S.~~

22 **SECTION 27.** In Colorado Revised Statutes, 12-115-103, **add**
23 (13) as follows:

24 **12-115-103. Definitions.** As used in this article 115, unless the
25 context otherwise requires:

26 (13) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
27 24-32-3302 (35).

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

3 **12-115-120. Inspection - application - standard - rules.**

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

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

12 (II) IF THE BOARD OR LOCAL ELECTRICAL INSPECTION AUTHORITY
13 HAS APPROVED A TINY HOME CONNECTION FOR ELECTRIC UTILITY SERVICE
14 IN ACCORDANCE WITH SECTION 24-32-3329 (2).

15 (2) (a) The owner of an electrical installation in any new
16 construction, other than manufactured units certified by the division of
17 housing pursuant to section 24-32-3311 OR A TINY HOME MANUFACTURED
18 TO THE STANDARDS OF SECTION 24-32-3328 (1), or remodeling or repair
19 of an existing construction, except in any incorporated town or city,
20 county, city and county, or qualified state institution of higher education
21 having its own electrical code and inspection program equal to the
22 minimum standards as are provided in this article 115, shall have the
23 electrical portion of the installation, remodeling, or repair inspected by a
24 state electrical inspector. A qualified state institution of higher education
25 with a building department that meets or exceeds the minimum standards
26 adopted by the board under this article 115 shall process applications for
27 permits and inspections only from the institution and from contractors

1 working for the benefit of the institution and shall conduct inspections
2 only of work performed for the benefit of the institution.

3 (c) A manufactured home, mobile home, TINY HOME, or movable
4 structure owner shall have the electrical installation for the manufactured
5 home, mobile home, TINY HOME, or movable structure inspected prior to
6 obtaining electric service. AN INSPECTION OF A TINY HOME PERFORMED IN
7 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION
8 (2)(c).

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

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

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

26 **SECTION 29.** In Colorado Revised Statutes, 12-155-103, **add**
27 (13.5) as follows:

1 **12-155-103. Definitions.** As used in this article 155, unless the
2 context otherwise requires:

3 (13.5) "TINY HOME" HAS THE MEANING SET FORTH IN SECTION
4 24-32-3302 (35).

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

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

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

12 **12-155-118. Exemptions.** (3) Nothing in this article 155 shall be
13 construed to apply to the manufacture of housing that is subject to the
14 provisions of ~~part 7 of~~ article 32 of title 24 or the installation of individual
15 residential or temporary construction units of manufactured housing water
16 and sewer hookups inspected pursuant to ~~section 12-155-105~~ SECTION
17 12-155-105 (2).

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

20 **12-155-120. Inspection - application - standards.** (1) (a) Any
21 plumbing or gas piping installation in any new construction or remodeling
22 or repair, other than manufactured units OR TINY HOMES inspected in
23 accordance with ~~the provisions of part 7 of~~ article 32 of title 24, except
24 for the new construction or remodeling or repair in any incorporated town
25 or city, county, or city and county, or in a building owned or leased or on
26 land owned by a qualified state institution of higher education where the
27 local entity or qualified state institution of higher education conducts

1 inspections and issues permits, must be inspected by a state plumbing
2 inspector.

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

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

10 (d) Every mobile home, TINY HOME, or movable structure owner
11 shall have the plumbing and gas piping hookup for the mobile home, TINY
12 HOME, or movable structure inspected prior to obtaining new or different
13 plumbing or gas service. AN INSPECTION OF A TINY HOME PERFORMED IN
14 ACCORDANCE WITH SECTION 24-32-3329 COMPLIES WITH THIS SUBSECTION
15 (1)(d).

16 (e) A qualified state institution of higher education with a building
17 department that meets or exceeds the minimum standards adopted by the
18 board under this article 155 shall process applications for permits and
19 inspections only from the institution and from contractors working for the
20 benefit of the institution, and shall conduct inspections only of work
21 performed for the benefit of the institution. Each inspection must include
22 a contemporaneous review to ensure that the requirements of section
23 12-155-108 have been met. A qualified state institution of higher
24 education shall enforce standards that are at least as stringent as any
25 minimum standards adopted by the board.

26 (10) (c) (I) The board shall ensure compliance with this section.
27 If the board determines, as a result of a formal complaint, that an

1 inspecting entity is conducting plumbing inspections that do not comply
2 with this section, the board may issue to the inspecting entity an order to
3 show cause, in accordance with section 12-155-105 (1)(m), as to why the
4 board should not issue a final order directing the inspecting entity to cease
5 and desist conducting plumbing inspections until the inspecting entity
6 comes into compliance to the satisfaction of the board.

7 (II) THE BOARD SHALL NOT ISSUE A CEASE-AND-DESIST ORDER TO
8 AN INSPECTING ENTITY BECAUSE THE INSPECTING ENTITY APPROVED THE
9 OCCUPANCY OF ONE OR MORE TINY HOMES IF THE TINY HOMES HAVE BEEN
10 APPROVED IN ACCORDANCE WITH SECTION 24-32-3329.

11 (III) If the use of state plumbing inspectors is required after the
12 issuance of a final cease-and-desist order pursuant to this subsection
13 (10)(c), the inspecting entity shall reimburse the board for any expenses
14 incurred in performing the inspecting entity's inspections, in addition to
15 transmitting the required permit fees.

16 **SECTION 33.** In Colorado Revised Statutes, 38-12-201.5,
17 **amend** (5) as follows:

18 **38-12-201.5. Definitions.** As used in this part 2 and in part 11 of
19 this article 12, unless the context otherwise requires:

20 (5) "Mobile home" means:

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

27 (b) A manufactured home, as defined in section 38-29-102 (6), if

1 the manufactured home is situated in a mobile home park; OR

2 (c) A TINY HOME, AS DEFINED IN SECTION 24-32-3302 (35), THAT
3 IS USED AS A LONG-TERM RESIDENCE IN THE MOBILE HOME PARK.

4 **SECTION 34.** In Colorado Revised Statutes, **amend** 39-26-721
5 as follows:

6 **39-26-721. Manufactured homes and tiny homes.**

7 ~~(1) Forty-eight percent of the purchase price of a manufactured home, as~~
8 ~~defined in section 42-1-102 (106)(b), is exempt from taxation under part~~
9 ~~1 of this article 26; except that the entire purchase price in any subsequent~~
10 ~~sale of such a manufactured home, after it has been once subject to the~~
11 ~~payment of sales tax by virtue of section 39-26-113, is exempt from~~
12 ~~taxation under part 1 of this article 26.~~

13 ~~(2) The storage, use, or consumption of a manufactured home, as~~
14 ~~defined in section 42-1-102 (106)(b), after the manufactured home has~~
15 ~~been once subject to the payment of use tax by virtue of section~~
16 ~~39-26-208, is exempt from taxation under part 2 of this article 26.~~

17 ~~(3) Beginning July 1, 2019, The sale, storage, usage, or~~
18 ~~consumption of a manufactured home, as defined in section 39-1-102~~
19 ~~(7.8), OR A TINY HOME, AS DEFINED IN SECTION 24-32-3302 (35), is exempt~~
20 ~~from taxation under parts 1 and 2 of this article 26.~~

21 **SECTION 35.** In Colorado Revised Statutes, 29-2-105, **amend**
22 (1)(d)(I) introductory portion and (1)(d)(I)(P) as follows:

23 **29-2-105. Contents of sales tax ordinances and proposals.**

24 (1) The sales tax ordinance or proposal of any incorporated town, city,
25 or county adopted pursuant to this article 2 shall be imposed on the sale
26 of tangible personal property at retail or the furnishing of services, as
27 provided in subsection (1)(d) of this section. Any countywide or

1 incorporated town or city sales tax ordinance or proposal shall include the
2 following provisions:

3 (d) (I) A provision that the sale of tangible personal property and
4 services taxable pursuant to this article 2 ~~shall be~~ IS the same as the sale
5 of tangible personal property and services taxable pursuant to section
6 39-26-104, except as otherwise provided in this subsection (1)(d). The
7 sale of tangible personal property and services taxable pursuant to this
8 article 2 ~~shall be~~ IS subject to the same sales tax exemptions as those
9 specified in part 7 of article 26 of title 39; except that the sale of the
10 following may be exempted from a town, city, or county sales tax only by
11 the express inclusion of the exemption either at the time of adoption of
12 the initial sales tax ordinance or resolution or by amendment thereto:

13 (P) The exemption for manufactured homes AND TINY HOMES set
14 forth in section 39-26-721. ~~(3)~~:

15 **SECTION 36. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly; except that, if a referendum petition is filed pursuant
19 to section 1 (3) of article V of the state constitution against this act or an
20 item, section, or part of this act within such period, then the act, item,
21 section, or part will not take effect unless approved by the people at the
22 general election to be held in November 2022 and, in such case, will take
23 effect on the date of the official declaration of the vote thereon by the
24 governor.

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