

NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 09-040

BY SENATOR(S) Hodge, Tochtrop;
also REPRESENTATIVE(S) Soper, Green, Kerr J.

CONCERNING THE REGULATION OF MANUFACTURED HOMES.

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

SECTION 1. 30-10-406 (3) (a), Colorado Revised Statutes, is amended to read:

30-10-406. County clerk and recorder - duties - filing requirements. (3) (a) All documents received for recording or filing in the clerk and recorder's office, EXCEPT A VERIFICATION OF APPLICATION FORM AS DEFINED IN SECTION 38-29-102 (13), C.R.S., shall contain a top margin of at least one inch and a left, right, and bottom margin of at least one-half of an inch. The clerk and recorder may refuse to record or file any document that does not conform to THE requirements of this paragraph (a).

SECTION 2. 30-10-409 (2), Colorado Revised Statutes, is amended to read:

30-10-409. Reception book - form - contents - acceptance for recording. (2) When any document has been accepted by the clerk and

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

recorder for recording and the proper fee has been paid, such document shall be deemed to be recorded for all purposes. After a document has been received, the clerk and recorder shall endorse upon such document information, which may be in electronic form, noting the day, hour, and minute of its acceptance for recording, the index or reception number, the volume, film or page where recorded, if such are used, and the fee received for recording the same and shall immediately make an entry of the same in the reception book, under the appropriate heading, with the amount paid as fee for recording the same. A document shall be deemed accepted as of the date and time of its endorsement. The clerk and recorder's endorsement may be done electronically. When such endorsement is made electronically, the endorsement shall be immediately perceptible and reproducible. Any document, EXCEPT THOSE FILED AND RECORDED PURSUANT TO SECTION 38-29-205, C.R.S., that is received by 1 p.m. on a business day shall be endorsed by the end of that day. Any document that is received after 1 p.m. on a business day shall be endorsed by 5 p.m. on the following business day. THOSE DOCUMENTS RECEIVED PURSUANT TO SECTION 38-29-205, C.R.S., SHALL BE ENDORSED BY THE CLERK AND RECORDER WITHIN THREE BUSINESS DAYS. After a document has been endorsed and processed for recording, the clerk and recorder, without additional fee or charge, shall deliver it by regular mail, electronic delivery, or personal delivery to the person authorized to receive the same, writing the name of the person to whom it is delivered in an appropriate column in the reception book.

SECTION 3. 38-29-107, Colorado Revised Statutes, is amended to read:

38-29-107. Applications for certificates of title. (1) In any case under the provisions of this article wherein a person ~~who desires or~~ who is entitled to a certificate of title to a manufactured home is required to make formal application to the director therefor, such applicant shall make application upon a form provided by the director in which appears a description of the manufactured home, including the manufacturer and model thereof, the manufacturer's number, the date on which said manufactured home was first sold by the dealer or manufacturer thereof to the initial user thereof, and a description of any other distinguishing mark, number, or symbol placed on said home by the manufacturer thereof for identification purposes, as may by rule be required by the director. Such application shall also show the applicant's source of title and the new or resale price of said manufactured home, whichever is applicable, paid by

such applicant and shall include a description of all known mortgages and liens upon said manufactured home, each including the name of the legal holder thereof, the amount originally secured, the amount outstanding on the obligation secured at the time such application is made, the name of the county or city and county and state in which such mortgage or lien instrument is recorded or filed, and proof of the fact that no property taxes for previous years are due on such manufactured home. Such proof shall be a certificate of taxes, or an authentication of paid ad valorem taxes, issued by the county treasurer of the county in which the manufactured home is located. Such application shall be affirmed by a statement signed by the applicant and shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S.

(2) IN ANY CASE IN WHICH THE MANUFACTURED HOME WAS AFFIXED TO THE GROUND PRIOR TO JULY 1, 2008, AND A CERTIFICATE OF PERMANENT LOCATION WAS NOT FILED AND RECORDED, A PERSON WHO IS ENTITLED TO A CERTIFICATE OF TITLE TO A MANUFACTURED HOME SHALL MAKE FORMAL APPLICATION TO THE DIRECTOR UPON A FORM PROVIDED BY THE DIRECTOR. AS PART OF THE APPLICATION, IN ADDITION TO ANY INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL PROVIDE AN AFFIDAVIT OF REAL PROPERTY, A STATEMENT THAT THE IDENTIFICATION NUMBER HAS BEEN VERIFIED PURSUANT TO SECTION 38-29-122 (3) (a), A CERTIFICATE OF REMOVAL, AND A COPY OF ALL DEEDS RECORDED SINCE THE HOME WAS AFFIXED TO THE GROUND. THE DIRECTOR SHALL ACCEPT THESE DOCUMENTS AS SUFFICIENT EVIDENCE OF THE APPLICANT'S PROOF OF OWNERSHIP OF THE MANUFACTURED HOME.

(3) (a) IN ANY CASE IN WHICH THE MANUFACTURED HOME WAS AFFIXED TO THE GROUND AFTER JULY 1, 2008, AND A CERTIFICATE OF PERMANENT LOCATION WAS FILED AND RECORDED, A PERSON WHO IS ENTITLED TO A CERTIFICATE OF TITLE TO A MANUFACTURED HOME SHALL MAKE FORMAL APPLICATION TO THE DIRECTOR UPON A FORM PROVIDED BY THE DIRECTOR. AS PART OF THE APPLICATION, IN ADDITION TO ANY INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL PROVIDE A COPY OF THE RECORDED CERTIFICATE OF PERMANENT LOCATION, A CERTIFICATE OF REMOVAL, A STATEMENT THAT THE IDENTIFICATION NUMBER HAS BEEN VERIFIED PURSUANT TO SECTION 38-29-122 (3) (a), AND A COPY OF ALL DEEDS RECORDED SINCE THE HOME WAS AFFIXED TO THE GROUND. THE DIRECTOR SHALL ACCEPT THESE

DOCUMENTS AS SUFFICIENT EVIDENCE OF THE APPLICANT'S PROOF OF OWNERSHIP OF THE MANUFACTURED HOME.

(b) IN ANY CASE IN WHICH A MANUFACTURED HOME OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, THE MANUFACTURED HOME WAS AFFIXED TO THE GROUND AFTER JULY 1, 2008, AND A CERTIFICATE OF PERMANENT LOCATION WAS FILED AND RECORDED, A PERSON WHO IS ENTITLED TO A CERTIFICATE OF TITLE TO A MANUFACTURED HOME SHALL MAKE FORMAL APPLICATION TO THE DIRECTOR UPON A FORM PROVIDED BY THE DIRECTOR. AS PART OF THE APPLICATION, IN ADDITION TO ANY INFORMATION REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE APPLICANT SHALL PROVIDE A COPY OF THE RECORDED CERTIFICATE OF PERMANENT LOCATION, A STATEMENT THAT THE IDENTIFICATION NUMBER HAS BEEN VERIFIED PURSUANT TO SECTION 38-29-122 (3) (a), AND A COPY OF THE RECORDED LONG-TERM LEASE. THE DIRECTOR SHALL ACCEPT THESE DOCUMENTS AS SUFFICIENT EVIDENCE OF THE APPLICANT'S PROOF OF OWNERSHIP OF THE MANUFACTURED HOME.

SECTION 4. 38-29-119, Colorado Revised Statutes, is amended to read:

38-29-119. Furnishing bond for certificates. (1) In cases where the applicant for a certificate of title to a manufactured home is unable to provide the director or ~~his~~ THE DIRECTOR'S authorized agent with a certificate of title thereto, duly transferred to such applicant, a bill of sale therefor, or other evidence of the ownership thereof ~~which~~ THAT satisfies the director of the right of the applicant to have a certificate of title issued to him OR HER, as provided in section 38-29-110, a certificate of title for such home may, nevertheless, be issued by the director upon the applicant therefor furnishing the director with his OR HER statement, in such form as the director may prescribe. There shall appear a recital of the facts and circumstances by which the applicant acquired the ownership and possession of such home, the source of ~~his~~ THE title thereto, and such other information as the director may require to enable him OR HER to determine what liens and encumbrances are outstanding against such manufactured home, if any, the date thereof, the amount secured thereby, where said liens or encumbrances are of public record, if they are of public record, and the right of the applicant to have a certificate of title issued to him OR HER. IN SITUATIONS INVOLVING AN ABANDONED MANUFACTURED HOME LOCATED ON AN APPLICANT'S REAL PROPERTY, A COPY OF AN ORDER OR JUDGMENT FOR

POSSESSION OBTAINED THROUGH A CIVIL EVICTION PROCEEDING, ALONG WITH PROOF OF EFFORTS TO NOTIFY, VIA CERTIFIED MAIL, REGULAR MAIL, AND POSTING AS OTHERWISE REQUIRED BY LAW, THE PRIOR OWNER OF THE POTENTIAL REMOVAL OR TRANSFER OF TITLE OF THE HOME, AS WELL AS PROOF OF OWNERSHIP OF THE REAL PROPERTY ON WHICH THE HOME IS LOCATED, SHALL CONSTITUTE SUFFICIENT EVIDENCE OF THE APPLICANT'S RIGHT TO A CERTIFICATE OF TITLE FOR THE HOME. The statement shall contain or be accompanied by a written declaration that it is made under the penalties of perjury in the second degree, as defined in section 18-8-503, C.R.S., and shall accompany the formal application for the certificate as required in section 38-29-107.

(2)(a) If, from the affidavit of the applicant and such other evidence as may be submitted to him or her, the director finds that the applicant is the same person to whom a certificate of title for said home has previously been issued or that a certificate of title should be issued to the applicant, such certificate may be issued, in which event disposition thereof shall be made as in other cases. EXCEPT AS PROVIDED BY PARAGRAPH (b) OF THIS SUBSECTION (2), no certificate of title shall be issued as provided in this section unless and until the applicant furnishes evidence of a savings account, deposit, or certificate of deposit meeting the requirements of section 11-35-101, C.R.S., or a good and sufficient bond with a corporate surety, to the people of the state of Colorado, in an amount equal to twice the actual value of the manufactured home according to the assessor's records, as of the time application for the certificate is made, conditioned that the applicant and his or her surety shall hold harmless any person who suffers any loss or damage by reason of the issuance thereof. ~~If any person suffers any loss or damage by reason of the issuance of the certificate of title as provided in this section, such person shall have a right of action against the applicant and the surety on his or her bond against either of whom the person damaged may proceed independently of the other.~~

(b) AN APPLICANT SHALL NOT BE REQUIRED TO FURNISH SURETY PURSUANT TO THIS SUBSECTION (2) FOR A MANUFACTURED HOME THAT IS TWENTY-FIVE YEARS OLD OR OLDER, IF THE APPLICANT:

(I) PROVIDES PROOF THAT NO PROPERTY TAXES FOR PREVIOUS YEARS ARE DUE FOR THE MANUFACTURED HOME;

(II) HAS HAD A MANUFACTURED HOME IDENTIFICATION INSPECTION

PERFORMED ON THE MANUFACTURED HOME; AND

(III) PRESENTS THE INFORMATION REQUIRED IN SUBSECTION (1) OF THIS SECTION WITH THE TITLE APPLICATION, ACCOMPANIED BY THE WRITTEN DECLARATION SET FORTH THEREIN.

(c) IF ANY PERSON SUFFERS ANY LOSS OR DAMAGE BY REASON OF THE ISSUANCE OF THE CERTIFICATE OF TITLE AS PROVIDED IN THIS SECTION, SUCH PERSON SHALL HAVE A RIGHT OF ACTION AGAINST THE APPLICANT AND, IF APPLICABLE, THE SURETY ON HIS OR HER BOND. THE PERSON WHO HAS SUFFERED A LOSS OR DAMAGE MAY PROCEED AGAINST THE APPLICANT, THE SURETY, OR AGAINST BOTH THE APPLICANT AND THE SURETY.

SECTION 5. 38-29-122, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-29-122. Substitute manufactured home identification numbers - inspection. (3) (a) THE DEPARTMENT MAY DESIGNATE A MANUFACTURED HOME IDENTIFICATION INSPECTOR TO PHYSICALLY INSPECT A MANUFACTURED HOME IN ORDER TO VERIFY THE FOLLOWING INFORMATION: THE IDENTIFICATION NUMBER, THE MAKE OF THE MANUFACTURED HOME, THE YEAR OF MANUFACTURE OF THE MANUFACTURED HOME, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY THE DEPARTMENT. A MANUFACTURED HOME IDENTIFICATION INSPECTOR MAY CHARGE A FEE FOR THE INSPECTION; EXCEPT THAT SUCH FEE SHALL NOT EXCEED THE REASONABLE COSTS RELATED TO THE INSPECTION. A MANUFACTURED HOME IDENTIFICATION INSPECTOR SHALL NOTIFY THE OWNER OF THE AMOUNT OF THE FEE BEFORE COMMENCING ANY VERIFICATION ACTIVITIES. IF THE MANUFACTURED HOME IDENTIFICATION INSPECTOR DETERMINES THAT THE MANUFACTURED HOME IDENTIFICATION NUMBER HAS BEEN REMOVED, CHANGED, ALTERED, OR OBLITERATED, THE OWNER SHALL REQUEST THAT THE DEPARTMENT ASSIGN A DISTINGUISHING NUMBER TO THE MANUFACTURED HOME PURSUANT TO SECTION 38-29-123.

(b) THE DEPARTMENT MAY DESIGNATE ONE OR MORE OF THE FOLLOWING PERSONS TO BE A MANUFACTURED HOME IDENTIFICATION INSPECTOR CHARGED WITH THE FUNCTIONS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (3):

(I) AN AUTHORIZED AGENT AS DEFINED IN SECTION 38-29-102 (1) OR

A PERSON DESIGNATED BY SUCH AGENT;

(II) A COLORADO LAW ENFORCEMENT OFFICER;

(III) A PERSON REGISTERED TO SELL MANUFACTURED HOMES PURSUANT TO SECTION 24-32-3323, C.R.S.; OR

(IV) A COUNTY ASSESSOR.

SECTION 6. 38-29-123, Colorado Revised Statutes, is amended to read:

38-29-123. Assignment of a special manufactured home identification number by the department of revenue. The department is authorized to assign a distinguishing number to any manufactured home whenever there is no identifying number thereon or such number has been destroyed, obliterated, or mutilated. IN SUCH CASES, THE DEPARTMENT SHALL PROVIDE A FORM ON WHICH THE DISTINGUISHING NUMBER HAS BEEN ASSIGNED TO THE MANUFACTURED HOME. THE distinguishing number shall be affixed to the MANUFACTURED home in ~~a manner and position to be~~ THE DOOR FRAME OR FUSE BOX OR AS determined by the department. THE DISTINGUISHING NUMBER SHALL THEN BE THE MANUFACTURED HOME IDENTIFICATION NUMBER. Such manufactured home shall be titled under such distinguishing number in lieu of the former number or absence thereof, OR IN THE EVENT THAT THE MANUFACTURED HOME IS AFFIXED TO THE GROUND SO THAT IT IS NO LONGER CAPABLE OF BEING DRAWN OVER THE PUBLIC HIGHWAYS, THE OWNER SHALL FILE THE FORM PROVIDED BY THE DEPARTMENT ON WHICH THE DISTINGUISHING NUMBER HAS BEEN ASSIGNED WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED. THE CLERK AND RECORDER SHALL FILE AND RECORD SUCH FORM IN HIS OR HER OFFICE.

SECTION 7. 38-29-133, Colorado Revised Statutes, is amended to read:

38-29-133. Duration of lien of mortgage - extensions. (1) The duration of the lien of any mortgage on a manufactured home shall be for the full term of the mortgage, but the lien of the mortgage may be extended beyond the original term thereof for successive three-year periods during the term of the mortgage or any extension thereof upon the holder thereof

presenting the certificate of title, on which the existence of the mortgage has been noted, to the authorized agent of the county wherein said mortgage is filed, together with a notarized written request for an extension of the mortgage OR A WRITTEN REQUEST THAT IS MADE UNDER THE PENALTIES OF PERJURY IN THE SECOND DEGREE, AS DEFINED IN SECTION 18-8-503, C.R.S., in which shall appear a description of the undertaking secured, to what extent it has been discharged or remains unperformed, and such other and further information respecting the same as may be required by appropriate rule of the director to enable him OR HER to properly record such extension upon ~~his~~ THE DIRECTOR'S records.

~~(2) Upon receipt thereof, the authorized agent shall note on the face of the mortgage on file in his office the fact of the extension thereof (which notation he shall subscribe and thereto affix the seal of his office), and shall make and complete such record of such extension as the director by rule may require, and shall thereafter forward said certificate of title, together with the written request for extension of mortgage received by him, to the director. Upon receipt thereof, the director shall note the fact of the extension of the mortgage on his records and on the certificate of title to which he shall affix his hand and the seal of his office.~~ UPON RECEIPT OF A MORTGAGE EXTENSION, THE AUTHORIZED AGENT SHALL MAKE AND COMPLETE A RECORD OF THE EXTENSION AND SHALL ISSUE A NEW CERTIFICATE OF TITLE ON WHICH THE EXTENSION OF THE MORTGAGE IS NOTED. Thereafter the NEWLY ISSUED certificate of title shall be returned to the person shown thereon to be entitled thereto, the same as in other cases. IF A MORTGAGE NOTED ON THE CERTIFICATE OF TITLE HAS NOT BEEN RELEASED OR EXTENDED AFTER ITS MATURITY DATE, THE OWNER OF THE MANUFACTURED HOME DESCRIBED IN THE CERTIFICATE OF TITLE MAY REQUEST THAT ANY REFERENCES TO THE MORTGAGES SHOWN ON THE RECORDS OF THE AUTHORIZED AGENT BE REMOVED, AND UPON THE REQUEST, THE AUTHORIZED AGENT SHALL REMOVE SUCH REFERENCES.

SECTION 8. 38-29-201 (2) (a), Colorado Revised Statutes, is amended, and the said 38-29-201 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

38-29-201. Verification of application form - supporting materials. (2) (a) For an application for a certificate of title for a new manufactured home, the following documents shall be filed and recorded:

(I) The manufacturer's certificate or statement of origin or its equivalent; AND

(II) ~~The bill of sale; and~~

(III) The verification of application form.

(3) A VERIFICATION OF APPLICATION FORM SHALL COMPLY WITH THE FEDERAL "DRIVER'S PRIVACY PROTECTION ACT OF 1994", 18 U.S.C. SEC. 2721 ET SEQ.

SECTION 9. 38-29-202 (1) (b), (1) (c), (2) (i), and (2) (1), Colorado Revised Statutes, are amended, and the said 38-29-202 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

38-29-202. Certificate of permanent location. (1) (b) If the certificate of permanent location accompanies an application for purging a manufactured home title pursuant to section 38-29-112 (1.5) or 38-29-118 (2), the certificate shall be filed with the authorized agent for the county or city and county in which the manufactured home is located. FOR A MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, A COPY OF THE LEASE SHALL BE FILED ALONG WITH THE CERTIFICATE. The authorized agent, in his or her capacity as the clerk and recorder, shall file and record the certificate of permanent location AND, IF APPLICABLE, THE COPY OF THE LONG-TERM LEASE in his or her office.

(c) If the certificate of permanent location is received in accordance with section 38-29-114 (2) or 38-29-117 (6), the certificate shall be filed with the clerk and recorder for the county or city and county in which the manufactured home is located. FOR A MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, A COPY OF THE LEASE SHALL BE FILED ALONG WITH THE CERTIFICATE. The clerk and recorder shall file and record the certificate of permanent location, a copy of the bill of sale, ~~and~~ a copy of the manufacturer's certificate or statement of origin or its equivalent, AND, IF APPLICABLE, THE COPY OF THE LONG-TERM LEASE in his or her office and destroy the original manufacturer's certificate or statement of origin or its equivalent.

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

(i) Verification that the manufactured home is ~~on a permanent foundation~~ PERMANENTLY AFFIXED TO THE GROUND SO THAT IT IS NO LONGER CAPABLE OF BEING DRAWN OVER THE PUBLIC HIGHWAYS in accordance with any applicable county or city and county codes or requirements;

(l) An affirmative statement of relinquishment of all rights in the manufactured home by any owner on the certificate of title of the manufactured home who is not also an owner of the real property to which the manufactured home is to be affixed or permanently located. ~~and~~ THE PROVISIONS OF THIS PARAGRAPH (l) SHALL NOT APPLY TO ANY MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS.

(1.5) FOR ANY MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, AN AFFIRMATIVE STATEMENT THAT ALL OWNERS OF THE REAL PROPERTY AND THE MANUFACTURED HOME CONSENT TO THE AFFIXATION OF THE MANUFACTURED HOME TO THE REAL PROPERTY AND AN ACKNOWLEDGMENT THAT, UPON SUCH AFFIXATION AND UPON THE FILING AND RECORDING OF THE CERTIFICATE OF PERMANENT LOCATION, THE MANUFACTURED HOME WILL BECOME A PART OF THE REAL PROPERTY, SUBJECT TO THE REVERSION OF THE MANUFACTURED HOME TO THE OWNERS OF THE HOME UPON TERMINATION OF THE LONG-TERM LEASE; AND

SECTION 10. 38-29-203, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

38-29-203. Certificate of removal. (2.5) (a) THE PROVISIONS OF THIS SECTION SHALL APPLY TO A MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, EXCEPT AS SET FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2.5).

(b) A LANDLORD EVICTING A TENANT WHO OWNS A MANUFACTURED HOME THAT OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE

THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS MAY CAUSE THE HOME TO BE REMOVED FROM ITS PERMANENT LOCATION WITHOUT THE OWNER FIRST FILING A CERTIFICATE OF REMOVAL IF, WITHIN TWENTY DAYS AFTER SUCH REMOVAL, THE LANDLORD FILES A CERTIFICATE OF REMOVAL ACCOMPANIED BY A COPY OF THE NOTICE OF JUDGMENT OR ORDER FOR POSSESSION ALLOWING THE EVICTION OF THE HOME AND THE ADDRESS OF THE LOCATION TO WHICH THE HOME HAS BEEN MOVED. SUCH CERTIFICATE OF REMOVAL SHALL COMPLY WITH SUBSECTION (5) OF THIS SECTION AND INCLUDE THE INFORMATION REQUIRED IN SUBSECTION (2) OF THIS SECTION; EXCEPT THAT PARAGRAPHS (e) AND (g) OF SAID SUBSECTION (2) SHALL NOT APPLY. THE LANDLORD SHALL FILE THE CERTIFICATE OF REMOVAL AND THE ADDITIONAL INFORMATION WITH THE AUTHORIZED AGENT FOR THE COUNTY OR CITY AND COUNTY FROM WHICH THE MANUFACTURED HOME WAS REMOVED.

SECTION 11. The introductory portion to 38-29-208 (1) and 38-29-208 (1) (e), Colorado Revised Statutes, are amended, and the said 38-29-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

38-29-208. Affidavit of real property. (1) Any person can prove that a manufactured home and the land upon which it has been permanently affixed is real property by ~~providing~~ FILING an affidavit of real property ~~which~~ WITH THE CLERK AND RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE MANUFACTURED HOME IS LOCATED. THE CLERK AND RECORDER SHALL FILE AND RECORD THE AFFIDAVIT OF REAL PROPERTY IN HIS OR HER OFFICE. EXCEPT AS OTHERWISE SET FORTH IN SUBSECTION (2) OF THIS SECTION, THE AFFIDAVIT OF REAL PROPERTY shall include the following:

(e) Verification that the manufactured home is ~~on a permanent foundation~~ PERMANENTLY AFFIXED TO THE GROUND in accordance with any applicable county or city and county codes or requirements SO THAT IT IS NO LONGER CAPABLE OF BEING DRAWN OVER THE PUBLIC HIGHWAYS.

(2) IF A MANUFACTURED HOME OCCUPIES REAL PROPERTY SUBJECT TO A LONG-TERM LEASE THAT HAS AN EXPRESS TERM OF AT LEAST TEN YEARS, THEN THE AFFIDAVIT OF REAL PROPERTY SHALL INCLUDE THE FOLLOWING:

(a) A COPY OF THE APPLICABLE LONG-TERM LEASE;

(b) A STATEMENT FROM THE COUNTY TREASURER THAT TAXES HAVE BEEN PAID SEPARATELY ON THE MANUFACTURED HOME AND THE LAND UPON WHICH IT IS AFFIXED; AND

(c) THE ITEMS SET FORTH IN PARAGRAPHS (a), (d), AND (e) OF SUBSECTION (1) OF THIS SECTION.

SECTION 12. 39-1-102 (7.8), (8), and (14.3), Colorado Revised Statutes, are amended, and the said 39-1-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

39-1-102. Definitions. As used in articles 1 to 13 of this title, unless the context otherwise requires:

(7.7) "LIVESTOCK" INCLUDES ALL ANIMALS.

(7.8) ~~"Livestock" includes all animals.~~ "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS THAT:

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

(b) IS DESIGNED AND USED FOR RESIDENTIAL OCCUPANCY IN EITHER TEMPORARY OR PERMANENT LOCATIONS;

(c) IS CONSTRUCTED IN COMPLIANCE WITH THE "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED;

(d) DOES NOT HAVE MOTIVE POWER;

(e) IS NOT LICENSED AS A VEHICLE; AND

(f) IS ELIGIBLE FOR A CERTIFICATE OF TITLE PURSUANT TO PART 1 OF ARTICLE 29 OF TITLE 38, C.R.S.

(8) "Mobile home" means a manufactured home ~~as defined in section 42-1-102 (106) (b), C.R.S.~~ BUILT PRIOR TO THE ADOPTION OF THE "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED.

(8.3) "MODULAR HOME" MEANS ANY PRECONSTRUCTED FACTORY-BUILT BUILDING THAT:

(a) IS INELIGIBLE FOR A CERTIFICATE OF TITLE PURSUANT TO PART 1 OF ARTICLE 29 OF TITLE 38, C.R.S.;

(b) IS NOT CONSTRUCTED IN COMPLIANCE WITH THE "NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS ACT OF 1974", 42 U.S.C. SEC. 5401 ET SEQ., AS AMENDED; AND

(c) IS CONSTRUCTED IN COMPLIANCE WITH BUILDING CODES ADOPTED BY THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS.

(14.3) "Residential improvements" means a building, or that portion of a building, designed for use predominantly as a place of residency by a person, a family, or families. The term includes buildings, structures, fixtures, fences, amenities, and water rights that are an integral part of the residential use. The term also includes ~~mobile homes and manufactured homes as defined in section 42-1-102 (106) (b), C.R.S.~~ A MANUFACTURED HOME AS DEFINED IN SUBSECTION (7.8) OF THIS SECTION, A MOBILE HOME AS DEFINED IN SUBSECTION (8) OF THIS SECTION, AND A MODULAR HOME AS DEFINED IN SUBSECTION (8.3) OF THIS SECTION.

SECTION 13. 39-14-101 (1.5) and (4), Colorado Revised Statutes, are amended to read:

39-14-101. Definitions. As used in this article, unless the context otherwise requires:

(1.5) "Conveyance" means any transfer of a real property interest OR MANUFACTURED HOME for some consideration in money or money's worth.

(4) "Manufactured home" shall have the same meaning as set forth in ~~section 38-29-102 (6), C.R.S.~~ SECTION 39-1-102 (7.8).

SECTION 14. 39-14-103 (1) (a), Colorado Revised Statutes, is amended to read:

39-14-103. Manufactured home declaration - information available to county assessor. (1) (a) On or after July 1, 2008, BUT BEFORE JULY 1, 2009, any manufactured home title application that is submitted to an authorized agent shall be accompanied by a declaration prescribed by the property tax administrator. ON OR AFTER JULY 1, 2009, UPON CONVEYANCE OF ANY MANUFACTURED HOME, A NEW TITLE APPLICATION THAT IS SUBMITTED TO AN AUTHORIZED AGENT SHALL BE ACCOMPANIED BY A DECLARATION PRESCRIBED BY THE PROPERTY TAX ADMINISTRATOR. The declaration shall be completed and signed by the purchaser or transferee.

SECTION 15. Effective date. This act shall take effect July 1, 2009.

SECTION 16. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Peter C. Groff
PRESIDENT OF
THE SENATE

Terrance D. Carroll
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO