Department of Local Affairs

Proposed Regulatory Agenda

For Calendar Year
2014

The Department of Local Affairs (DOLA) has prepared this report on the proposed Regulatory Agenda for the calendar year 2014. This Report is being submitted to fulfill the Department's requirements under HB 12-1008.

At the time of preparation of this Report, the Department does not contemplate rule making or rule revisions during the 2014 calendar year.

Rules Revised During 20123 Calendar Year

Two divisions within the Department of Local Affairs completed rule revisions during the 2013 calendar years. These divisions were the Board of Assessment Appeals and the Division of Housing, Codes Section.

Board of Assessment Appeals

The Board of Assessment Appeals (BAA) completed a rule revision during this current calendar year. The BAA is a quasi-judicial tribunal established to hear appeals of property valuation of both real and personal property, abatements and exemptions. This rule revision is the result of a Legislative Performance Audit conducted by the State Auditor's Office.

This rule change was approved by the Board on July 24, 2013. The rule change became effective on September 14, 2013. A version of the rules showing the revisions made is included as Attachment "A".

Division of Housing

The Division of Housing (DOH) has the statutory authority to promulgate rules establishing standards for the installation and setup of manufactured housing in C.R.S. 24-32-3304 et al.

DOH completed updates/revisions to Resolution 38 that provides the rules for the Manufactured Housing Installation Program (MHIP). The rule revisions updated the standard reference codes, refined definitions and added a MHIP Field Checklist. The revised Resolution 38 was effective September 3, 2013. A copy of the red-lined version showing the changes made to this Resolution 38 is shown as Attachment "B".

Attachment "A"

DEPARTMENT OF LOCAL AFFAIRS

BOARD OF ASSESSMENT APPEALS

8 CCR 1301-1

AMENDED RULES

On July 24, 2013, the Board of Assessment Appeals amended Rule 11: Notice of Hearing, Exchange of Documentary Evidence and Other Discovery as follows:

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Rule 11: Notice of Hearing, Exchange of Documentary Evidence and Other Discovery

Rule 11 (a) The Board shall mail a notice of hearing to all parties at least 30 calendar days prior to the hearing.

Rule 11 (b) All parties shall exchange all documentation (supply exhibits, including any audio, video or photographic evidence and a list of witnesses) at least 10 business days prior to the hearing. Three business prior to the hearing all reply documentation pertaining to the evidence submitted in the 10 business day exchange of documentation must be exchanged with all parties. Four copies are to be filed with the Board and one copy is to be served on each party and intervenor. All documentary evidence exchanged or filed with the Board shall be paginated. **THE BOARD MAY ORDER DIFFERENT DEADLINES FOR DOCUMENT EXCHANGE ON A CASE BY CASE BASIS UPON A MOTION FILED BY EITHER PARTY OR IN THE DISCRETION OF THE BOARD ON THE BOARD'S OWN MOTION.**

Rule 11 (c) The Board will not accept any information **NOT** submitted ~~within the 10 business days prior to the hearing~~ **BY THE DUE DATE IN RULE 11(B)** except as otherwise required by these rules or as the interests of justice and fairness dictate in the Board's discretion.

Rule 11 (d) Any party or intervenor may move for an order permitting discovery under the Colorado Rules of Civil Procedure Rules 26 through 37. Permission to conduct discovery under the Colorado Rules of Civil Procedure shall not excuse compliance with paragraph (b) of this rule. **IN APPEALS THAT**

ONLY INVOLVE NON-RESIDENTIAL COMMERCIAL OR INDUSTRIAL REAL PROPERTY OR MULTI-FAMILY RESIDENTIAL REAL PROPERTY WITH MORE THAN 20 UNITS, ANY PARTY OR INTERVENOR MAY SERVE REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS TO PERMIT ENTRY UPON LAND OR OTHER PROPERTY ON ANY OTHER PARTY IN ACCORDANCE WITH RULE 34 OF THE COLORADO RULES OF CIVIL PROCEDURE AT LEAST 60 CALENDAR DAYS PRIOR TO THE HEARING WITHOUT FILING A MOTION FOR PERMISSION TO CONDUCT DISCOVERY WITH THE BOARD. Discovery materials under the Colorado Rules of Civil Procedure shall not be filed with the Board. Discovery materials shall be filed in connection with discovery motions when pertinent and material to the proceedings and when used in a hearing.

Attachment "B"

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RESOLUTION #38

MANUFACTURED HOUSING INSTALLATIONS

BE IT RESOLVED BY THE STATE HOUSING BOARD OF THE STATE OF COLORADO;

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended, the State Housing Board of the State of Colorado (the "Housing Board") repeals and readopts Resolution #38, Manufactured Housing Installations; and

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended, the State Housing Board adopts the nationally recognized codes as cited in "SCHEDULE "B" " as the "Colorado Manufactured Housing Installation Code" that are the Division of Housing responsibility; and

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended the State Housing Board states the basis and purpose of these rule changes is to update the current minimum construction and safety code for "Manufactured Housing Installations"; and

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended, the State Housing Board establishes standards, to the extent allowed by the state constitution, Article 50 of the "State Personnel System Act", and the rules promulgated by the Personnel Board, for private inspection and certification entities to perform the Colorado Division of Housing' certification and inspection of Manufactured Housing Installations; and

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended, the State Housing Board states that "Manufactured Housing Installation" installers shall have the option to contract with the Colorado Division of Housing or an authorized inspection agency to perform inspection and certification functions where a local jurisdiction does not have exclusive inspection agency rights; and

THAT PURSUANT TO '24-32-3301 et seq C.R.S. as amended, the State Housing Board establishes minimum training standards for installers and inspectors; and

The Colorado Housing Board repeals and readopts these rules and regulations to be administered and enforced by the Colorado Division of Housing (Division).

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~~RULES AND REGULATIONS~~

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SECTION 1: SCOPE

Every manufactured home installed after the effective date of these regulations that is installed in a temporary or permanent location and is designed and commonly used for occupancy by persons for residential purposes, must display an insignia issued by the Division of Housing, certifying that the unit is installed in compliance with the standards adopted in "Schedule "B~~,~~" which is incorporated herein and made a part of these Rules and Regulations by reference, and all other requirements set forth by this resolution.

Temporary installations for the purpose of home display prior to use as a residence ~~,~~ which will be relocated to another location ~~prior to use as a residence,~~ are exempted from these rules and regulations provided these installations are for display use only with no type of occupancy.

The State Housing Board states that the Program Manager, Housing Technology and Standards Section, Colorado Division of Housing, 1313 Sherman Street, Room 321, Denver, Colorado, 80203, will provide information regarding how the codes adopted in "Schedule "B" may be obtained or examined. Incorporated material may also be examined at any state publications depository library.

SECTION 2: DEFINITIONS

"Certificate of ~~Occupancy~~Installation" means a certificate issued by the Division of Housing for the installation of a manufactured home that is in compliance with the manufactured home installation requirements. The certificate of installation shall be referred to as the "Insignia".

"Certified Inspector" means a local jurisdiction, individual, private firm, housing inspector, Colorado licensed engineer or architect who has been approved by the Division ~~of~~ to perform or enforce installation inspections.

"Certified Installer" means an installer of manufactured homes who is registered with the Division of Housing, has installed at least five manufactured homes in compliance with the manufacturer's instructions or standards created by the Division of Housing and is ~~currently~~ approved ~~as~~ to be a certified installer by the Division.

"Conflict of Interest" means when there is personal or private interest(s) sufficient to influence or appear to influence the proper exercise of duties and/or responsibilities.
"Division" means the Division of Housing.

"Factory-Built Residential Structure" means a manufactured home constructed to the building codes adopted by the Housing Board and designed to be installed on a permanent foundation. This does not include homes constructed to the federal manufactured home construction and safety standards nor does this include any home

designated as a mobile home.

"Insignia" means a certificate of installation issued by the Division of Housing to indicate compliance with the manufactured home installation regulations established by the State Housing Board.

"Installation" means the placement of a manufactured home on a permanent or temporary foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing and anchoring such home and connecting multiple sections of such home.

"Installer" means any person ~~that attaches the manufactured unit sections together and ties the home to its foundation support and anchoring system~~ who performs the installation of a manufactured home.

"~~Install~~ation Authorization" means a notice when posted on the site of an installation that the installer has made application to install a manufactured home and has received authorization to install. ~~The installer's certificate shall be referred to as the Installation Authorization.~~

"Manufactured Home" means any pre-constructed building unit or combination of pre-constructed building units, without motive power, where such unit or units are manufactured in a factory or at a location other than the residential site of the completed home, which is designed and commonly used for the occupancy by persons for residential purposes, in either temporary or permanent locations and which unit or units are not licensed as a vehicle. Manufactured home includes mobile homes, manufactured homes built to the HUD standards, and factory-built ~~units~~ residential structures built to the building code standards adopted by the Division.

"Manufacturer" means any entity that constructs or assembles a manufactured home in a factory or other off-site location.~~.~~

"Mobile Home" means a manufactured home built prior to the adoption of the federal act.

"Modular Home" means a factory-built residential structure.

"Owner" means the owner of a manufactured home or property.

"Participating Jurisdiction" means a local governmental entity which has agreed to administer and inspect manufactured housing installations within the legal boundaries of the jurisdiction.

"Red Tag Notice" is a physical identification that a particular unit has a violation of these rules and regulations. Units posted with this notice cannot be sold, offered for sale or have occupancy in Colorado.

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"Registered Installer" means an installer who has registered with the division and has been approved by the Division to perform installations, but is not a "Certified Installer".

~~"Registered Installer" means an installer who has registered with the Division and is in compliance with the manufactured home installation program requirements.~~