

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0721.01 Troy Bratton

HOUSE BILL 11-1174

HOUSE SPONSORSHIP

Vaad,

SENATE SPONSORSHIP

(None),

House Committees
Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE FILING OF A CERTIFICATE OF DESTRUCTION BY A**
102 **PERSON ON WHOSE LAND A MANUFACTURED HOME IS SITUATED**
103 **WHEN A GOVERNMENTAL ENTITY HAS DEEMED THE**
104 **MANUFACTURED HOME IN VIOLATION OF LOCAL CODES.**

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://www.leg.state.co.us/billsummaries>.)

Currently, a certificate of destruction for a manufactured home must be accompanied by a certificate of title. The bill would allow a

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

person on whose property the manufactured home is situated to file a certificate of destruction without a title if a governmental entity has deemed the manufactured home dangerous, hazardous, or otherwise in violation of local codes.

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

2 **SECTION 1.** 38-29-204 (1) (a), (2) (h), and (4), Colorado
3 Revised Statutes, are amended, and the said 38-29-204 (1) is further
4 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

5 **38-29-204. Certificate of destruction.** (1) (a) If a manufactured
6 home is destroyed, dismantled, or sold or otherwise disposed of as
7 salvage on or after July 1, 2008, the owner of the manufactured home OR
8 THE PERSON ON WHOSE REAL PROPERTY THE MANUFACTURED HOME IS
9 SITUATED shall file a certificate of destruction.

10 (d) (I) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A
11 MANUFACTURED HOME HAS BEEN DEEMED MATERIALLY DANGEROUS OR
12 MATERIALLY HAZARDOUS, PURSUANT TO LOCAL BUILDING OR HEALTH
13 CODES BY A GOVERNMENTAL ENTITY, THE PERSON ON WHOSE REAL
14 PROPERTY THE MANUFACTURED HOME IS SITUATED MAY FILE AND RECORD
15 A CERTIFICATE OF DESTRUCTION WITHOUT SURRENDERING A CERTIFICATE
16 OF TITLE OR FILING AN APPLICATION TO CANCEL A CERTIFICATE OF TITLE.
17 ANY CERTIFICATE OF DESTRUCTION FILED AND RECORDED PURSUANT TO
18 THIS PARAGRAPH (d) SHALL BE ACCOMPANIED BY EVIDENCE OF THE
19 VIOLATION.

20 (II) THE CERTIFICATE OF DESTRUCTION AND THE EVIDENCE OF
21 VIOLATION SHALL BE FILED AND RECORDED WITH THE CLERK AND
22 RECORDER FOR THE COUNTY OR CITY AND COUNTY IN WHICH THE
23 MANUFACTURED HOME IS OR WAS LOCATED. THE CLERK AND RECORDER

1 SHALL FILE AND RECORD THE CERTIFICATE OF DESTRUCTION AND THE
2 EVIDENCE OF VIOLATION IN HIS OR HER OFFICE.

3 (III) FOR PURPOSES OF THIS PARAGRAPH (d):

4 (A) "EVIDENCE OF VIOLATION" MEANS A NOTICE AND ORDER FROM
5 A GOVERNMENTAL ENTITY THAT A MANUFACTURED HOME HAS BEEN
6 DEEMED MATERIALLY DANGEROUS OR MATERIALLY HAZARDOUS
7 PURSUANT TO LOCAL BUILDING OR HEALTH CODES AND THAT ALL
8 APPLICABLE CURE PERIODS HAVE EXPIRED.

9 (B) "GOVERNMENTAL ENTITY" MEANS ANY FEDERAL AGENCY, THE
10 STATE, OR ANY COUNTY, TOWN, CITY, OR CITY AND COUNTY.

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

14 (h) Consent of all lienholders to the destruction of the
15 manufactured home, or proof that a request for such consent was sent by
16 certified mail to such lienholders, ALONG WITH PROOF THAT A COPY OF
17 THE REQUEST FOR SUCH CONSENT WAS MAILED TO THE OWNER IF THE
18 CERTIFICATE OF DESTRUCTION IS FILED BY THE PERSON ON WHOSE REAL
19 PROPERTY THE MANUFACTURED HOME IS SITUATED, at their last-known
20 address and a notarized declaration, signed under penalty of perjury, that
21 no response was received FROM ANY SUCH LIENHOLDERS within thirty
22 days of the date of the mailing of the notice;

23 (4) Any owner OR PERSON ON WHOSE REAL PROPERTY THE
24 MANUFACTURED HOME IS SITUATED who fails to file a properly completed
25 certificate of destruction when required pursuant to this section shall be
26 responsible for all actual damages sustained by any affected party related
27 to the manufactured home being destroyed, dismantled, or sold or

1 otherwise disposed of as salvage.

2 **SECTION 2. Act subject to petition - effective date.** This act
3 shall take effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part shall not take effect
9 unless approved by the people at the general election to be held in
10 November 2012 and shall take effect on the date of the official
11 declaration of the vote thereon by the governor.