



MEMORANDUM

Date: April 30, 2018
To: State Housing Board
From: Mo Miskell, Program Manager
Subject: Rulemaking

In preparation for your May 8, 2018, State Housing Board meeting, there will be two types of rulemaking proceedings starting at 11:00 am. First will be a permanent rulemaking hearing. It will then be followed by a temporary rulemaking.

The permanent rulemaking hearing involves a recommended repeal of five sets of resolutions and a recommendation to replace them with one set of rules. These recommendations are made by the Technical Advisory Committee (TAC). This rulemaking effort kicked off in the beginning of last winter after the 2018 building codes were published some time in September, which then started a process of reviewing current regulations for potential updates while also considering adopting new codes. As part of this process the Division and the TAC engaged stakeholders to also assist in the drafting of recommended rules that ensure the safety of the following:

1. Factory-built structures;
2. Consumers purchasing manufactured homes;
3. Manufactured home installations; and
4. Hotels, motels, and multi-family structures in areas of the state where no construction standards for hotels, motels, and multi-family structures exist.

On November 20, 2017, Alison George, Division Director appointed the 12 members serving on the 2017-2018 TAC pursuant to section 24-32-3305(3), C.R.S. The TAC met nine times starting on December 22, 2017, and it is currently scheduled to meet a 10th and final time on Friday, May 4, 2018. Shortly after its last scheduled meeting on March 23, 2018, the TAC's recommendation to repeal resolutions 10, 34, 35, 36, and 38, were formally filed with the Secretary of State (SOS) along with a proposed new set of rules to replace the repealed resolutions at a rulemaking hearing noticed to take place on May 8, 2018, before the State Housing Board. A deadline of April 27, 2018, was set to receive public testimony on the recommend changes. No public testimony was received. These proposed changes were also filed with the Colorado Office of Policy, Research & Regulatory Reform (COPRRR) as required by statute. As a result of that filing, a cost-benefit analysis of these proposed changes was not required by COPRRR.

Therefore, at this time the only information provided for your consideration are the five repealed resolutions and the one set of new rules noticed for this rulemaking hearing. The first attachment is the new set rules. It is recommended by the TAC that it replace the five repealed resolutions that were noticed as stricken language but are attached for your review as PDFs of the current language without

strikethroughs for ease of reading and comparing to the new language contained in the first attachment. If you move to repeal the five resolutions and adopt the new set of rules in place of them, it is recommended you make these changes effective July 1, 2018.

Although no formal public testimony has been received for your consideration, the TAC is meeting one final time at the end of this week to review and consider additional staff recommendations on refining the proposed rules, as well as comments received from some of its members and a stakeholder that participated in every single TAC meeting, as well as potential feedback from the Office of the Attorney General. As a result, there may be an additional packet sent to you with proposed amendments in redline (track changes), modifying what was previously noticed for the rulemaking hearing and shared with this memorandum.

After you have decided on whether to adopt, amend, or not adopt the recommendations of the TAC, we will then transition to a temporary rulemaking. The temporary rulemaking brings to an end the fee holiday you adopted through a temporary rulemaking held at your last meeting on April 10, 2018. At that time you voted to reduce all fees that are not set in statute and are associated with funding this regulatory program, effective on April 15, 2018, and ending on May 15, 2018. In order to officially end this fee holiday and return the reduced fees of \$1.00 to their original amount, the State Housing Board is asked to adopt the original fees contained in resolutions 10, 34, 35, 36, and 38 and make them effective May 16, 2018. Please note that when these fees revert back, they will only do so temporarily in the form of resolutions if you already moved to repeal the current resolutions and adopt the newly proposed rules or an amended version in their place to be effective July 1, 2018.

Thank you for your time and consideration.