

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 22-0103.01 Megan Waples x4348

HOUSE BILL 22-1287

HOUSE SPONSORSHIP

Boesenecker and Hooton, Bacon, Benavidez, Bennett, Caraveo, Cutter, Duran, Gonzales-Gutierrez, Gray, Jodeh, Kennedy, Kipp, Lindsay, McCluskie, McLachlan, Mullica, Ortiz, Ricks, Sirota, Sullivan, Titone, Weissman, Woodrow

SENATE SPONSORSHIP

Winter, Coleman, Lee, Story

House Committees

Transportation & Local Government
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING PROTECTIONS FOR MOBILE HOME PARK RESIDENTS, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill amends the "Mobile Home Park Act" and the "Mobile Home Park Act Dispute Resolution and Enforcement Program" to:

- Prohibit a landlord from increasing rent on a mobile home lot by an amount that exceeds the greater of inflation or 3 percentage points in any 12-month period;
- Require the landlord or the landlord's representative to

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.

- attend up to 2 public meetings for residents of the park each year at the request of the residents;
- Clarify that a landlord is responsible for the cost of repairing any damage to a mobile home or lot that results from the landlord's failure to maintain the premises of the park;
 - Clarify the triggering events that demonstrate a park owner's intent to sell a park for purposes of providing notice to home owners and the method for giving notice;
 - Change the period in which a group or association of mobile home owners may make an offer to purchase the park from 90 to 180 days, and provide for tolling of that time period in certain circumstances;
 - Provide a right of first refusal for a public entity that accepts an assignment of a group or association of mobile home owners' opportunity to purchase;
 - Clarify the obligations of a landlord to provide notice to home owners concerning the terms and conditions of an offer to purchase the park that the landlord would accept and to negotiate in good faith with the home owners;
 - Require a landlord who changes the use of the land comprising the park to compensate a mobile home owner who has not given notice to terminate the lease or rental agreement and who is displaced by the change in use for the reasonable costs of relocating the mobile home to a location within 100 miles of the park, the fair market value of the mobile home before the change in use, or in the amount of \$7,500 for a single-section mobile home or \$10,000 for a multi-section mobile home;
 - Allow the department to enforce statutory provisions concerning the required notice of intent to sell or change the use of the land and the mobile home owners' opportunity to purchase by imposing a fine for a violation or filing for injunctive relief in district court;
 - Allow the attorney general to investigate and enforce statutory provisions providing protections for mobile home owners;
 - Allow a resident, local government, or a nonprofit to file a complaint with the division under the dispute resolution program;
 - Clarify the procedures and penalties that apply when a party does not respond to a subpoena from the division;
 - Allow the division to take immediate action in response to complaints or violations that will cause immediate harm to mobile home owners;

- Prohibit landlords from harassing or coercing mobile home owners in an effort to require a mobile owner to sign an agreement or to influence a decision by the home owner about an opportunity to purchase;
- Establish criteria for when a mobile home park rule or regulation that limits a home owner's right to control the use, appearance, and structure of a mobile home is enforceable;
- Prohibit a landlord from interfering with the mobile home owner's right to sell a mobile home to the buyer of his or her choice, except in limited circumstances;
- Establish record retention requirements for landlords; and
- Consolidate provisions concerning private rights of action for landlords, home owners, and residents, and establish penalties and remedies available in private actions.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-31-101, **amend**
 3 (1)(i) as follows:

4 **24-31-101. Powers and duties of attorney general.** (1) The
 5 attorney general:

6 (i) May bring civil and criminal actions to enforce state laws,
 7 including actions brought pursuant to the "Colorado Antitrust Act of
 8 1992" in article 4 of title 6, the "Colorado Consumer Protection Act" in
 9 article 1 of title 6, THE "MOBILE HOME PARK ACT" IN PART 2 OF ARTICLE
 10 12 OF TITLE 38, THE "MOBILE HOME PARK ACT DISPUTE RESOLUTION AND
 11 ENFORCEMENT PROGRAM" IN PART 11 OF ARTICLE 12 OF TITLE 38, the
 12 "Unfair Practices Act" in article 2 of title 6, article 12 of title 6, and
 13 sections 6-1-110, 11-51-603.5, 24-34-505.5, and 25.5-4-306;

14 **SECTION 2.** In Colorado Revised Statutes, **amend** 38-12-200.2
 15 as follows:

16 **38-12-200.2. Legislative declaration.** The general assembly
 17 hereby declares that the purpose of this part 2 is to establish the

1 relationship between the owner of a mobile home park, ~~and~~ the owner of
2 a mobile home situated in such park, AND RESIDENTS IN THE PARK.

3 **SECTION 3.** In Colorado Revised Statutes, 38-12-201.5, **amend**
4 (1)(e), (1)(f), and (6); and **add** (1)(g) and (6.5) as follows:

5 **38-12-201.5. Definitions.** As used in this part 2 and in part 11 of
6 this article 12, unless the context otherwise requires:

7 (1) "Entry fee" means any fee paid to or received from an owner
8 of a mobile home park or an agent thereof except for:

9 (e) Incidental reasonable charges for services actually performed
10 by the mobile home park owner or the mobile home park owner's agent
11 and agreed to in writing by the home owner; ~~and~~

12 (f) Late fees; AND

13 (g) MEMBERSHIP FEES PAID TO JOIN A RESIDENT OR HOME OWNER
14 COOPERATIVE THAT OWNS THE MOBILE HOME PARK OR OTHER PARKS
15 QUALIFYING AS COMMON INTEREST COMMUNITIES PURSUANT TO THE
16 "COLORADO COMMON INTEREST OWNERSHIP ACT", ARTICLE 33.3 OF THIS
17 TITLE 38.

18 (6) "Mobile home park" or "park" means a parcel of land used for
19 the continuous accommodation of five or more occupied mobile homes
20 and operated for the pecuniary benefit of the owner of the parcel of land
21 or the owner's agents, lessees, or assignees. "Mobile home park" does not
22 include mobile home subdivisions or property zoned for manufactured
23 home subdivisions. FOR PURPOSES OF THIS DEFINITION, THE PARCEL OF
24 LAND COMPRISING THE MOBILE HOME PARK DOES NOT NEED TO BE
25 CONTIGUOUS, BUT MUST BE IN THE SAME NEIGHBORHOOD AS DETERMINED
26 BY THE DIVISION.

27 (6.5) "MOBILE HOME SUBDIVISION" OR "MANUFACTURED HOME

1 SUBDIVISION" MEANS ANY PARCEL OF LAND THAT IS DIVIDED INTO TWO OR
2 MORE PARCELS, SEPARATE INTERESTS, OR INTERESTS IN COMMON, WHERE
3 EACH PARCEL OR INTEREST IS OWNED BY AN INDIVIDUAL OR ENTITY WHO
4 OWNS BOTH A MOBILE HOME AND THE LAND UNDERNEATH THE MOBILE
5 HOME; EXCEPT THAT A PARCEL IS NOT A "MOBILE HOME SUBDIVISION" OR
6 "MANUFACTURED HOME SUBDIVISION" WHEN THE SAME OWNER OWNS A
7 PARCEL OR SUBDIVIDED PARCELS OR INTERESTS THAT ARE COLLECTIVELY
8 USED FOR THE CONTINUOUS ACCOMMODATION OF FIVE OR MORE OCCUPIED
9 MOBILE HOMES AND OPERATED FOR THE PECUNIARY BENEFIT OF THE
10 LANDOWNER OR THEIR AGENTS, LESSEES, OR ASSIGNEES.

11 **SECTION 4.** In Colorado Revised Statutes, 38-12-202, **amend**
12 (1)(a) introductory portion and (1)(c)(I) as follows:

13 **38-12-202. Tenancy - notice to quit.** (1) (a) No tenancy or other
14 lease or rental occupancy of space in a mobile home park shall commence
15 without a written lease or rental agreement, and no tenancy in a mobile
16 home park shall be terminated until a notice to quit OR NOTICE OF
17 NONPAYMENT OF RENT has been served. ~~Said~~ A notice to quit shall be in
18 writing and in the form specified in section 13-40-107 (2). ~~C.R.S.~~ The
19 property description required in section 13-40-107 (2) ~~C.R.S.~~, shall be
20 ~~deemed~~ IS legally sufficient if it states:

21 (c) (I) Except as otherwise provided in SECTION 38-12-204 (1) OR
22 subsections (1)(c)(II) and (3) of this section, the management shall give
23 a home owner at least ninety days after the date the notice is served or
24 posted to sell the mobile home or remove it from the premises.

25 **SECTION 5.** In Colorado Revised Statutes, 38-12-203, **amend**
26 (1)(d)(II); and **add** (3) as follows:

27 **38-12-203. Reasons for termination.** (1) The management of a

1 mobile home park may terminate a tenancy only for one or more of the
2 following reasons:

3 (d) (II) If a landlord wants to change the use of a mobile home
4 park, and the change of use has been approved by the local or state
5 authority or does not require approval, and the change of use would result
6 in the eviction of inhabited mobile homes, the landlord shall give the
7 owner of each mobile home that is subject to the eviction a written notice
8 of the landlord's intent to evict not less than twelve months before the
9 change of use of the land, which notice must be mailed to each home
10 owner. THE NOTICE MUST ADVISE THE HOME OWNER OF THE HOME
11 OWNER'S RIGHT TO COMPENSATION PURSUANT TO SUBSECTION (3) OF THIS
12 SECTION.

13 (3) A LANDLORD SHALL NOT MAKE ANY ORAL OR WRITTEN
14 STATEMENT THREATENING EVICTION FOR A VIOLATION OR ACTION THAT
15 IS NOT GROUNDS FOR TERMINATING A TENANCY UNDER SUBSECTION (1) OF
16 THIS SECTION. A HOME OWNER MAY FILE A COMPLAINT PURSUANT TO
17 SECTION 38-12-1105 OR A CIVIL ACTION PURSUANT TO SECTION 38-12-220
18 FOR A VIOLATION OF THIS SUBSECTION (3). IF THE COURT DETERMINES
19 THAT THE LANDLORD VIOLATED THIS SUBSECTION (3), THE COURT SHALL
20 AWARD A STATUTORY PENALTY OF UP TO TWENTY THOUSAND DOLLARS TO
21 THE PLAINTIFF IN ADDITION TO ANY OTHER REMEDIES AUTHORIZED BY
22 SECTION 38-12-220.

23 **SECTION 6.** In Colorado Revised Statutes, **add** 38-12-203.5 as
24 follows:

25 **38-12-203.5. Change in use of the park - remedies for home**
26 **owners - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
27 CONTEXT OTHERWISE REQUIRES:

1 (a) "IN-PLACE FAIR MARKET VALUE" MEANS THE FAIR MARKET
2 VALUE OF THE MOBILE HOME AND ANY ATTACHED APPURTENANCES AND
3 STRUCTURES ON THE LOT OWNED BY THE HOME OWNER SUCH AS PORCHES,
4 DECKS, SKIRTING, AWNINGS, AND SHEDS, TAKING INTO ACCOUNT THE
5 ACTUAL COST OF ALL IMPROVEMENTS MADE TO THE MOBILE HOME BY THE
6 HOME OWNER. FAIR MARKET VALUE IS DETERMINED BASED ON THE VALUE
7 OF THE MOBILE HOME IN ITS CURRENT LOCATION PRIOR TO THE DECISION
8 TO CHANGE THE USE OF THE PARK.

9 (b) "RELOCATION COSTS" INCLUDES:

10 (I) ANY REASONABLE COSTS INCURRED TO MOVE THE MOBILE
11 HOME, FURNITURE, AND PERSONAL BELONGINGS THEREIN TO A
12 REPLACEMENT SITE;

13 (II) THE REASONABLE COST OF DISASSEMBLING, MOVING, AND
14 REASSEMBLING ANY ATTACHED APPURTENANCES AND STRUCTURES ON
15 THE LOT OWNED BY THE HOME OWNER SUCH AS PORCHES, DECKS,
16 SKIRTING, AWNINGS, AND SHEDS, WHICH WERE NOT ACQUIRED BY THE
17 LANDLORD;

18 (III) THE COSTS OF ANCHORING THE UNIT;

19 (IV) THE COSTS OF CONNECTING OR DISCONNECTING THE MOBILE
20 HOME TO UTILITIES;

21 (V) INSURANCE COVERAGE DURING TRANSPORT; AND

22 (VI) THE COST TO DISASSEMBLE AND REINSTALL ANY
23 ACCESSIBILITY IMPROVEMENTS SUCH AS WHEELCHAIR RAMPS, LIFTS, AND
24 GRAB BARS.

25 (2) IF A LANDLORD INTENDS TO CHANGE THE USE OF THE LAND
26 COMPRISING A MOBILE HOME PARK OR PART OF A MOBILE HOME PARK AND
27 THE CHANGE IN USE WOULD RESULT IN THE DISPLACEMENT OF ONE OR

1 MORE MOBILE HOMES IN THE PARK, FOR EACH DISPLACED MOBILE HOME,
2 THE LANDLORD SHALL PROVIDE THE HOME OWNER OR HOME OWNERS ONE
3 OF THE FOLLOWING AT THE HOME OWNER'S OR HOME OWNERS' CHOOSING
4 WITHIN THIRTY DAYS OF RECEIVING A WRITTEN DEMAND BY THE HOME
5 OWNER OR HOME OWNERS:

6 (a) PAYMENT OF RELOCATION COSTS TO RELOCATE THE MOBILE
7 HOME TO A LOCATION OF THE HOME OWNER'S CHOOSING WITHIN ONE
8 HUNDRED MILES BY ROAD OF THE PARK. RELOCATION COSTS ARE
9 DETERMINED BASED ON THE LOWEST ESTIMATE OBTAINED BY THE HOME
10 OWNER FROM A MOBILE HOME MOVER. THE LANDLORD MAY REQUEST A
11 COPY OF THE ESTIMATE TO SUPPORT THE REQUEST FOR PAYMENT OF
12 RELOCATION COSTS. IF THE HOME OWNER EXERCISES THIS OPTION, THE
13 HOME OWNER MUST ACTUALLY RELOCATE THE MOBILE HOME AND ALL
14 PERSONAL BELONGINGS IN ACCORDANCE WITH THE ESTIMATE USED TO
15 DETERMINE RELOCATION COSTS PRIOR TO THE DATE OF THE CHANGE IN USE
16 SET FORTH IN THE NOTICE REQUIRED BY SECTION 38-12-203 (1)(d)(II).
17 THE HOME OWNER IS RESPONSIBLE FOR ADDITIONAL MILEAGE COSTS TO
18 MOVE THE MOBILE HOME TO A LOCATION MORE THAN ONE HUNDRED MILES
19 FROM THE PARK.

20 (b) SUBMIT A BINDING OFFER TO PURCHASE THE MOBILE HOME FOR
21 THE GREATER OF:

22 (I) SEVEN THOUSAND FIVE HUNDRED DOLLARS FOR A
23 SINGLE-SECTION MOBILE HOME OR TEN THOUSAND DOLLARS FOR A
24 MULTI-SECTION MOBILE HOME; OR

25 (II) ONE HUNDRED PERCENT OF THE IN-PLACE FAIR MARKET VALUE
26 AS DETERMINED THROUGH THE APPRAISAL PROCESS SET FORTH IN THIS
27 SUBSECTION (2)(b)(II). WITHIN THIRTY DAYS OF SUBMITTING THE OFFER,

1 THE LANDLORD SHALL HIRE A LICENSED, CERTIFIED RESIDENTIAL, OR
2 CERTIFIED GENERAL APPRAISER FROM THE ACTIVE APPRAISERS LIST
3 PUBLISHED BY THE DIVISION OF REAL ESTATE IN THE DEPARTMENT OF
4 REGULATORY AGENCIES TO CONDUCT THE APPRAISAL. IF THE HOME
5 OWNER DISPUTES THE APPRAISED VALUE OF THE MOBILE HOME, THE HOME
6 OWNER MAY HIRE A LICENSED, CERTIFIED RESIDENTIAL, OR CERTIFIED
7 GENERAL APPRAISER FROM THE ACTIVE APPRAISERS LIST TO OBTAIN A
8 SECOND APPRAISAL AT THE HOME OWNER'S EXPENSE. TO BE CONSIDERED,
9 THE HOME OWNER MUST OBTAIN THE APPRAISAL WITHIN SIXTY DAYS OF
10 RECEIPT OF THE LANDLORD'S APPRAISAL. THE RESULTS OF ALL APPRAISALS
11 SHALL BE PROVIDED IN WRITING BY THE APPRAISER TO BOTH LANDLORD
12 AND HOME OWNER. IF A SECOND APPRAISAL IS OBTAINED, THE HOME
13 OWNER IS ENTITLED TO THE AVERAGE OF THE APPRAISALS OBTAINED BY
14 THE LANDLORD AND THE HOME OWNER. IF THE HOME OWNER IS NOT
15 SATISFIED WITH THE APPRAISAL OR APPRAISALS RECEIVED, THE HOME
16 OWNER MAY SUBMIT A REQUEST FOR PAYMENT OF RELOCATION COSTS AS
17 SET FORTH IN SUBSECTION (2)(a) OF THIS SECTION. IF THE HOME OWNER
18 EXERCISES THE OPTION FOR PURCHASE UNDER THIS SUBSECTION (2)(b)(II),
19 THE SALE CLOSING MUST OCCUR PRIOR TO THE DATE OF THE CHANGE IN
20 USE SET FORTH IN THE NOTICE PROVIDED PURSUANT TO SECTION
21 38-12-203 (1)(d)(II).

22 (3) IF AN APPRAISER CONDUCTING AN APPRAISAL PURSUANT TO
23 SUBSECTION (2)(b)(II) OF THIS SECTION IDENTIFIES LACK OF
24 MAINTENANCE, DEFERRED MAINTENANCE, OR DETERIORATION OF THE
25 MOBILE HOME PARK BEYOND NORMAL WEAR AND TEAR THAT NEGATIVELY
26 AFFECTS THE VALUE OF A MOBILE HOME, THE APPRAISER SHALL
27 DETERMINE THE VALUE OF THE HOME WITH AN UPWARD ADJUSTMENT IN

1 VALUE IF NECESSARY TO ELIMINATE THE NEGATIVE EFFECT IN VALUE
2 CAUSED BY THE LACK OF MAINTENANCE, DEFERRED MAINTENANCE, OR
3 DETERIORATION OF THE PARK BEYOND NORMAL WEAR AND TEAR.

4 (4) ON JULY 1, 2024, AND ON JULY 1 OF EACH YEAR THEREAFTER,
5 THE DEPARTMENT SHALL ADJUST THE AMOUNT SPECIFIED IN SUBSECTION
6 (2)(b)(I) OF THIS SECTION IN ACCORDANCE WITH THE PERCENTAGE
7 CHANGE FOR THE PREVIOUS TWELVE MONTHS AT THE TIME OF THE
8 CALCULATION IN THE UNITED STATES DEPARTMENT OF LABOR, BUREAU OF
9 LABOR STATISTICS, CONSUMER PRICE INDEX FOR
10 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS AND ALL URBAN
11 CONSUMERS, OR ITS SUCCESSOR INDEX. THE DEPARTMENT SHALL PUBLISH
12 THE ADJUSTED AMOUNT ON THE DEPARTMENT'S WEBSITE.

13 (5) A HOME OWNER IS ENTITLED TO THE REMEDIES PROVIDED
14 UNDER THIS SECTION ONLY IF THE HOME OWNER HAS NOT GIVEN NOTICE
15 TO TERMINATE THE HOME OWNER'S LEASE OR RENTAL AGREEMENT AS OF
16 THE DATE OF THE NOTICE OF THE CHANGE IN USE.

17 (6) ANY AGREEMENT MADE WITH A HOME OWNER TO WAIVE ANY
18 RIGHTS UNDER THIS SECTION IS INVALID AND INEFFECTIVE FOR ANY
19 PURPOSE.

20 **SECTION 7.** In Colorado Revised Statutes, 38-12-204, **add** (4),
21 (5), (6), and (7) as follows:

22 **38-12-204. Nonpayment of rent - notice required for rent**
23 **increase - limitation on rent increases - repeal.** (4) (a) EXCEPT AS
24 PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION, A LANDLORD SHALL NOT
25 INCREASE RENT ON A MOBILE HOME LOT BY AN AMOUNT THAT EXCEEDS
26 THE RENT INCREASE CAP CALCULATED BY THE DEPARTMENT OF LOCAL
27 AFFAIRS IN ACCORDANCE WITH SUBSECTION (4)(b) OF THIS SECTION.

1 (b) (I) (A) WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS
2 SUBSECTION (4), THE DEPARTMENT OF LOCAL AFFAIRS SHALL CALCULATE
3 AND PUBLISH ON ITS WEBSITE THE RENT INCREASE CAP FOR RENT
4 INCREASES TAKING EFFECT IN THE PERIOD BEGINNING ON THE DATE THE
5 CAP IS PUBLISHED THROUGH DECEMBER 31, 2022.

6 (B) THIS SUBSECTION (4)(b)(I) IS REPEALED, EFFECTIVE JUNE 30,
7 2023.

8 (II) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE DEPARTMENT
9 OF LOCAL AFFAIRS SHALL CALCULATE AND PUBLISH ON ITS WEBSITE THE
10 RENT INCREASE CAP FOR RENT INCREASES TAKING EFFECT IN THE PERIOD
11 BEGINNING JANUARY 1 OF THE FOLLOWING CALENDAR YEAR AND FOR THE
12 TWELVE MONTHS THEREAFTER.

13 (III) THE RENT INCREASE CAP IS THE GREATER OF:

14 (A) THE AVERAGE ANNUAL PERCENTAGE CHANGE FOR THE
15 PREVIOUS TWELVE MONTHS AT THE TIME OF THE CALCULATION IN THE
16 UNITED STATES DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS,
17 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
18 ITEMS AND ALL URBAN CONSUMERS, OR ITS SUCCESSOR INDEX; OR

19 (B) THREE PERCENTAGE POINTS OF THE CURRENT RENT.

20 (c) THIS SUBSECTION (4) DOES NOT APPLY TO A RESIDENT-OWNED
21 COMMUNITY OR TO A LANDLORD THAT IS A LOCAL GOVERNMENT, TRIBAL
22 GOVERNMENT, HOUSING AUTHORITY, NONPROFIT WITH EXPERTISE
23 RELATED TO HOUSING, OR THE STATE OR AN AGENCY OF THE STATE.

24 (5) A LANDLORD SHALL NOT INCREASE RENT ON A MOBILE HOME
25 PARK LOT IF THE PARK:

26 (a) DOES NOT HAVE A CURRENT, ACTIVE REGISTRATION FILED WITH
27 THE DIVISION OF HOUSING IN ACCORDANCE WITH SECTION 38-12-1106;

1 (b) HAS ANY UNPAID PENALTIES OWED TO THE DIVISION OF
2 HOUSING; OR

3 (c) HAS NOT FULLY COMPLIED WITH ANY FINAL AGENCY ORDER
4 ISSUED BY THE DIVISION OF HOUSING.

5 (6) (a) A NOTICE OF A RENT INCREASE ISSUED IN VIOLATION OF
6 THIS SECTION IS INVALID AND HAS NO FORCE AND EFFECT.

7 (b) A NOTICE OF A RENT INCREASE ISSUED LESS THAN SIXTY DAYS
8 BEFORE THE EFFECTIVE DATE OF THIS SUBSECTION (6) IS INVALID AND HAS
9 NO FORCE AND EFFECT UNLESS THE INCREASE IS COMPLIANT WITH THIS
10 SECTION.

11 (7) THE REQUIREMENTS OF SUBSECTIONS (4) AND (6)(b) OF THIS
12 SECTION ARE NOT SUBJECT TO ENFORCEMENT THROUGH THE "MOBILE
13 HOME PARK ACT DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM"
14 CREATED IN PART 11 OF THIS ARTICLE 12.

15 **SECTION 8.** In Colorado Revised Statutes, **amend** 38-12-206 as
16 follows:

17 **38-12-206. Home owner meetings - assembly in common areas**
18 **- meeting hosted by landlord.** (1) Home owners shall have the right to
19 meet and establish a homeowners' association. Meetings of home owners
20 or the homeowners' association relating to mobile home living and affairs
21 in their park common area, community hall, or recreation hall, if such a
22 facility or similar facility exists, shall not be subject to prohibition by the
23 park management if the common area or hall is reserved according to the
24 park rules and such meetings are held at reasonable hours and when the
25 facility is not otherwise in use; except that no such meetings shall be held
26 in the streets or thoroughfares of the mobile home park.

27 (2) THE MANAGEMENT SHALL NOT CHARGE HOME OWNERS OR

1 RESIDENTS A FEE TO MEET IN COMMON BUILDINGS OR SPACES IN THE PARK,
2 INCLUDING ANY COMMON AREA, COMMUNITY HALL, OR RECREATION HALL;
3 EXCEPT THAT THE MANAGEMENT MAY CHARGE FOR THE REASONABLE
4 COSTS OF CLEANING OR REPAIRING ACTUAL DAMAGES INCURRED. THE
5 MANAGEMENT MAY RECUPERATE THE COST OF REPAIRS FOR ACTUAL
6 DAMAGES BEYOND NORMAL WEAR AND TEAR THAT WERE CAUSED BY A
7 HOME OWNER BY RETAINING A PORTION OF A HOME OWNER'S SECURITY
8 DEPOSIT.

9 (3) IF REQUESTED BY A HOME OWNER OR RESIDENT, THE
10 LANDLORD OF A MOBILE HOME PARK SHALL, WITHIN THIRTY DAYS OF
11 RECEIVING THE REQUEST, HOST AND ATTEND A FREE, PUBLIC, ACCESSIBLE
12 MEETING FOR RESIDENTS OF THE PARK; EXCEPT THAT A LANDLORD IS NOT
13 REQUIRED TO HOST AND ATTEND MORE THAN TWO MEETINGS IN A
14 CALENDAR YEAR. NOTICE OF THE DATE, TIME, AND LOCATION OF THE
15 MEETING MUST BE POSTED IN BOTH ENGLISH AND SPANISH IN A CLEARLY
16 VISIBLE LOCATION IN COMMON AREAS OF THE MOBILE HOME PARK,
17 INCLUDING ANY COMMUNITY HALL OR RECREATION HALL, FOR A PERIOD
18 OF SEVEN DAYS BEFORE THE MEETING AND MUST BE PROVIDED BY MAIL AT
19 LEAST FOURTEEN DAYS BEFORE THE MEETING TO EACH HOME OWNERS'
20 ASSOCIATION, RESIDENTS' ASSOCIATION, OR SIMILAR BODY THAT
21 REPRESENTS THE RESIDENTS OF THE PARK. IN ADDITION TO MAILING THE
22 NOTICE AS REQUIRED BY THIS SECTION, THE LANDLORD SHALL PROVIDE
23 NOTICE OF THE MEETING BY E-MAIL TO EACH HOME OWNER AND RESIDENT
24 WHO HAS AN E-MAIL ADDRESS ON FILE WITH THE LANDLORD.

25 **SECTION 9.** In Colorado Revised Statutes, 38-12-209, **repeal** (3)
26 and (4) as follows:

27 **38-12-209. Entry fees prohibited - security deposit. (3) The**

1 ~~trial judge may award court costs and attorney fees in any court action~~
2 ~~brought pursuant to any provision of this part 2 to the prevailing party~~
3 ~~upon finding that the prevailing party undertook the court action and legal~~
4 ~~representation for a legally sufficient reason and not for a dilatory or~~
5 ~~unfounded cause.~~

6 (4) ~~The management or a resident may bring a civil action for~~
7 ~~violation of the rental agreement or any provision of this part 2 in the~~
8 ~~appropriate court of the county in which the park is located. Either party~~
9 ~~may recover actual damages or the court may in its discretion award such~~
10 ~~equitable relief as it deems necessary, including the enjoining of either~~
11 ~~party from further violations.~~

12 **SECTION 10.** In Colorado Revised Statutes, 38-12-211, **amend**
13 (1) as follows:

14 **38-12-211. Selling and transfer fees prohibited - "for sale"**
15 **signs permitted.** (1) ~~Neither the owner of a mobile home park nor the~~
16 ~~owner's agent may~~ A LANDLORD SHALL NOT require payment of any type
17 of selling fee or transfer fee by ~~either~~ a home owner in the park wishing
18 to sell the home owner's mobile home to another party, A HOME OWNER
19 WISHING TO REMOVE THE HOME OWNER'S MOBILE HOME FROM THE PARK,
20 or ~~by~~ any party wishing to buy a mobile home from a home owner in the
21 park as a condition of tenancy in a park for the prospective buyer. THIS
22 SUBSECTION (1) DOES NOT PROHIBIT THE LANDLORD FROM CHARGING A
23 RENTAL APPLICATION FEE THAT COMPLIES WITH SECTION 38-12-903 IF THE
24 PROSPECTIVE BUYER IS BUYING THE MOBILE HOME IN PLACE AND IS
25 APPLYING FOR TENANCY IN THE PARK.

26 **SECTION 11.** In Colorado Revised Statutes, 38-12-212.3,
27 **amend** (1)(b) introductory portion, (1)(b)(II), (3), (4)(b), and (5) as

1 follows:

2 **38-12-212.3. Responsibilities of landlord - acts prohibited.**

3 (1) (b) If a landlord fails to maintain or repair the items described in
4 subsection (1)(a)(II) OR (2)(b) of this section:

5 (II) The landlord is responsible for and shall pay the cost of
6 providing alternative sources of potable water and maintaining portable
7 toilets, which portable toilets are located reasonably near affected mobile
8 homes in a manner that renders them accessible to people with
9 disabilities, no later than ~~twenty-four~~ TWELVE hours after the service
10 disruption begins, unless conditions beyond the landlord's control prevent
11 compliance with this subsection (1)(b)(II); and

12 (3) A landlord shall not require a resident to assume any of the
13 responsibilities described in subsection (1) or (2) of this section as a
14 condition of ~~any home owner's~~ tenancy in the park.

15 (4) Nothing in this section may be construed as:

16 (b) Restricting a landlord from requiring a home owner OR
17 RESIDENT to comply with rules and regulations of the park that are
18 enforceable pursuant to section 38-12-214 or with terms of the rental
19 agreement and any covenants binding upon the landlord or home owner
20 OR RESIDENT, including covenants running with the land that pertain to
21 the cleanliness of the home owner's OR RESIDENT'S lot and routine lawn
22 and yard maintenance, and excluding major landscaping projects.

23 (5) A landlord shall establish and maintain an emergency contact
24 number, post the number in common areas of the park, and communicate
25 the number to home owners AND RESIDENTS in each rental agreement and
26 each revision of the park rules and regulations. A home owner OR
27 RESIDENT who uses the emergency contact number in a timely manner to

1 report a problem with a condition described in subsection (1) or (2) of this
2 section is deemed to have provided notice to the landlord of the problem.

3

4 **SECTION 12.** In Colorado Revised Statutes, 38-12-212.4,
5 **amend** (1) introductory portion, (1)(a), (1)(b), (2), (3), (4), (5), and (6) as
6 follows:

7 **38-12-212.4. Required disclosure and notice of water usage**
8 **and billing - responsibility for leaks.** (1) If the management charges
9 home owners OR RESIDENTS individually for water usage in the park, then,
10 on or before January 31 of each year, the management shall provide to
11 each home owner AND RESIDENT and post IN BOTH ENGLISH AND SPANISH
12 in a clearly visible location in at least one common area of the mobile
13 home park the following information:

14 (a) The methodology by which the management calculates the
15 amount charged to each home owner OR RESIDENT for water usage on the
16 home owner's OR RESIDENT'S lot;

17 (b) The methodology by which the management calculates the
18 amount charged to each home owner OR RESIDENT for water usage in
19 common areas of the mobile home park; and

20 (2) If the management charges home owners OR RESIDENTS for
21 water usage in the park, whether individually or in an aggregate amount,
22 the management shall provide to each home owner OR RESIDENT a
23 monthly water bill that indicates the amount owed by the home owner OR
24 RESIDENT, the total amount owed by all the residents in the mobile home
25 park, and, if the management purchases the water from a provider, the
26 total amount paid by the management to the provider.

27 (3) The management shall not charge a home owner OR RESIDENT

1 for any costs in addition to the actual cost of water billed to the
2 management.

3 (4) The management shall use a methodology that is reasonable,
4 equitable, and consistent for billing home owners OR RESIDENTS for any
5 type of water usage.

6 (5) If the management learns of a leak in a water line inside the
7 park, the management shall notify each home owner AND RESIDENT of the
8 leak within twenty-four hours.

9 (6) The management shall not bill a home owner OR RESIDENT for
10 any water usage that is caused by a leak in a water line inside the park.

11 **SECTION 13.** In Colorado Revised Statutes, 38-12-212.5,
12 **amend** (1), (2) introductory portion, (3)(a), and (5); and **add** (2)(e) and
13 (4.5) as follows:

14 **38-12-212.5. Prohibition on retaliation and harassment.**

15 (1) The management shall not take retaliatory action against a home
16 owner OR RESIDENT who exercises any right conferred upon the home
17 owner OR RESIDENT by this part 2, part 11 of this article 12, or any other
18 provision of law.

19 (2) Except as described in subsection (3) of this section, in an
20 action or administrative proceeding by or against a home owner OR
21 RESIDENT, the management's action is presumed to be retaliatory if, within
22 the one hundred twenty days preceding the management's action, the
23 home owner OR RESIDENT:

24 (e) PARTICIPATED IN A VOTE OR DECISION MAKING PROCESS
25 CONCERNING THE OPPORTUNITY TO PURCHASE THE MOBILE HOME PARK
26 PURSUANT TO SECTION 38-12-217.

27 (3) The presumption of retaliatory action described in subsection

1 (2) of this section does not apply to an action or administrative hearing
2 where the management:

3 (a) Addresses nonpayment of rent by a home owner OR RESIDENT,
4 as described in section 38-12-204; or

5 (4.5) THE MANAGEMENT SHALL NOT:

6 (a) HARASS, INTIMIDATE, OR THREATEN, OR ATTEMPT TO HARASS,
7 INTIMIDATE, OR THREATEN, ANY PERSON FOR FILING OR ATTEMPTING TO
8 FILE A COMPLAINT, JOINING OR ATTEMPTING TO JOIN AN ASSOCIATION OF
9 RESIDENTS OR HOME OWNERS, ENGAGING IN ACTIVITIES TO PROMOTE THE
10 ORGANIZING AND EDUCATION OF RESIDENTS AND HOME OWNERS, OR
11 VOTING OR ATTEMPTING TO VOTE ON A MATTER BEFORE THE ASSOCIATION
12 OF RESIDENTS OR HOME OWNERS; OR

13 (b) COERCE OR REQUIRE A PERSON TO SIGN AN AGREEMENT.

14 (5) The rights and remedies provided by this section are available
15 to home owners AND RESIDENTS in addition to the anti-retaliation
16 protection provided in section 38-12-1105 (13).

17 **SECTION 14.** In Colorado Revised Statutes, 38-12-213, **amend**
18 (5) introductory portion; and **add** (5)(b.5) and (7) as follows:

19 **38-12-213. Rental agreement - disclosure of terms in writing**
20 **- prohibited provisions.** (5) A rental agreement ~~may~~ SHALL not include
21 any provision:

22 (b.5) THAT REQUIRES A HOME OWNER TO WAIVE THE OPPORTUNITY
23 TO PURCHASE THE PARK ALLOWED UNDER SECTION 38-12-217.

24 (7) IT IS A VIOLATION OF THIS PART 2 FOR THE MANAGEMENT TO
25 REQUIRE A HOME OWNER TO SIGN A NEW LEASE OR AGREEMENT IN
26 VIOLATION OF THIS SECTION OR TO MISLEAD A HOME OWNER ABOUT THE
27 HOME OWNER'S OBLIGATION TO SIGN A NEW LEASE OR AGREEMENT.

1 **SECTION 15.** In Colorado Revised Statutes, 38-12-214, **amend**
2 (1) introductory portion, (1)(e), (2), and (3)(a); and **add** (2.5) and (2.7) as
3 follows:

4 **38-12-214. Rules and regulations - amendments - notice -**
5 **complaints.** (1) The management shall adopt written rules and
6 regulations concerning RESIDENTS' OR home owners' use and occupancy
7 of the premises. Except as otherwise provided in this section, such rules
8 and regulations are enforceable against a RESIDENT OR home owner only
9 if:

10 (e) They are established in the rental agreement at the inception
11 of the tenancy, amended subsequently with the WRITTEN consent of the
12 home owner, or, except as described in subsection (2) of this section,
13 amended subsequently without the WRITTEN consent of the home owner
14 after the management has provided written notice of the amendments to
15 the home owner at least sixty days before the amendments become
16 effective, and, if applicable, enforced in compliance with subsection (3)
17 of this section.

18 (2) When a mobile home OR ANY ACCESSORY BUILDING OR
19 STRUCTURE is owned by a person other than the owner of the mobile
20 home park in which the mobile home is located, the mobile home ~~is~~ AND
21 ACCESSORY BUILDING OR STRUCTURE ARE EACH a separate unit of
22 ownership. ~~and rules and regulations that impose~~ THE ACCESSORY
23 BUILDING OR STRUCTURE ARE EACH PRESUMED TO BE OWNED BY THE
24 OWNER OF THE MOBILE HOME UNLESS THERE IS A WRITTEN AGREEMENT
25 ESTABLISHING OWNERSHIP BY ANOTHER PERSON. IF A RULE OR
26 REGULATION REQUIRES A HOME OWNER TO INCUR A COST OR IMPOSES
27 restrictions or requirements on ~~that separate unit that are adopted after the~~

1 ~~home owner signs the rental agreement and without the consent of the~~
2 ~~home owner are~~ THE HOME OWNER'S RIGHT TO CONTROL WHAT HAPPENS
3 IN OR TO THEIR MOBILE HOME AND ANY ACCESSORY BUILDING OR
4 STRUCTURE AS A SEPARATE UNIT OF OWNERSHIP, INCLUDING WITHOUT
5 LIMITATION, TO CONTROL THE STRUCTURE AND APPEARANCE OF THE
6 MOBILE HOME, BUILDING, OR STRUCTURE; WHO VISITS THE MOBILE HOME,
7 BUILDING, OR STRUCTURE OR WHO RESIDES IN THE MOBILE HOME,
8 BUILDING, OR STRUCTURE, PROVIDED THE PERSON WHO RESIDES IN THE
9 MOBILE HOME, BUILDING, OR STRUCTURE WAS PREVIOUSLY APPROVED AS
10 A RESIDENT OF THE PARK; AND LAWFUL ACTIVITIES TAKING PLACE IN THE
11 MOBILE HOME, BUILDING, OR STRUCTURE THE RULE OR REGULATION IS
12 presumed unreasonable ~~Nothing in this subsection (2) prohibits the~~
13 ~~management from requiring compliance with park rules and regulations~~
14 ~~at the time of sale or transfer to a new owner; except that, as used in this~~
15 ~~subsection (2), "transfer" does not include a transfer of ownership~~
16 ~~pursuant to death or divorce or a transfer of ownership to a new co-owner~~
17 ~~pursuant to marriage~~ PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION
18 UNLESS MANAGEMENT DEMONSTRATES THAT THE RULE OR REGULATION:
19 (a) IS STRICTLY NECESSARY TO PROTECT THE HEALTH AND SAFETY
20 OF PARK RESIDENTS AND THE RULE OR REGULATION PROVIDES THE
21 PROTECTION AT THE LOWEST EXPENSE TO HOME OWNERS AS IS
22 REASONABLY POSSIBLE;
23 (b) IS STRICTLY NECESSARY TO COMPLY WITH OR ENFORCE A
24 FEDERAL, STATE, OR LOCAL GOVERNMENT REQUIREMENT, INCLUDING
25 LOCAL NUISANCE LAWS ENFORCED FOR THE WELFARE OF OTHER
26 RESIDENTS;
27 (c) IS VOLUNTARILY AGREED TO BY THE HOME OWNER, WITHOUT

1 COERCION OR MISREPRESENTATION BY MANAGEMENT, IN WHICH CASE THE
2 RULE OR REGULATION IS ONLY BINDING UPON HOME OWNERS WHO HAVE
3 COMMUNICATED THEIR WRITTEN CONSENT TO THE RULE OR REGULATION;
4 OR

5 (d) IN A MOBILE HOME PARK MANAGED BY HOME OWNERS, WAS
6 ESTABLISHED BY THE MANAGING HOME OWNER ORGANIZATION IN
7 ACCORDANCE WITH THE ORGANIZATION'S BYLAWS AND MORE THAN FIFTY
8 PERCENT OF THE HOME OWNERS ARE MEMBERS OF THE ORGANIZATION.

9 (2.5) (a) SUBSECTION (2) OF THIS SECTION DOES NOT PROHIBIT THE
10 MANAGEMENT FROM REQUIRING COMPLIANCE BY A NEW HOME OWNER
11 WITH PARK RULES AND REGULATIONS THAT WERE NOT ENFORCEABLE
12 AGAINST THE PREVIOUS HOME OWNER AFTER THE SALE OR TRANSFER OF
13 A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE AS DESCRIBED
14 IN SUBSECTION (2.5)(b) OF THIS SECTION PROVIDED THAT THE RULES OR
15 REGULATIONS COMPLY WITH THIS SECTION AND HAVE BEEN DULY NOTICED
16 TO ALL HOME OWNERS AND RESIDENTS, INCLUDING THE SELLER, PURSUANT
17 TO SUBSECTION (1)(e) OF THIS SECTION; EXCEPT THAT, AS USED IN THIS
18 SUBSECTION (2.5), "TRANSFER" DOES NOT INCLUDE A TRANSFER OF
19 OWNERSHIP PURSUANT TO DEATH OR DIVORCE OR A TRANSFER OF
20 OWNERSHIP TO A NEW CO-OWNER WHO IS AN IMMEDIATE FAMILY MEMBER,
21 SPOUSE, OR DOMESTIC PARTNER OF THE HOME OWNER.

22 (b) THE MANAGEMENT SHALL NOT REQUIRE A HOME OWNER
23 SELLING A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE TO
24 ENSURE THAT THE MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE
25 COMPLIES WITH ANY RULES OR REGULATIONS BY THE CLOSING DATE OF
26 THE SALE OR TO BEAR THE COSTS OF COMPLIANCE WITH ANY SUCH RULES
27 OR REGULATIONS. IF THE MANAGEMENT REQUIRES ALL PROSPECTIVE

1 BUYERS TO COMPLY WITH SUCH RULES AND REGULATIONS AS A CONDITION
2 OF GAINING TENANCY IN THE PARK, THE MANAGEMENT SHALL PROMPTLY
3 PROVIDE A WRITTEN LIST OF ITEMS FOR WHICH THE MANAGEMENT
4 REQUIRES ACTION TO THE SELLER UPON RECEIVING NOTICE THAT THE
5 MOBILE HOME IS FOR SALE. THE SELLER SHALL PROVIDE THE LIST TO ALL
6 PROSPECTIVE BUYERS AND THE MANAGEMENT SHALL PROVIDE THE LIST TO
7 THE BUYER UPON RECEIVING AN APPLICATION FOR TENANCY. THE
8 MANAGEMENT SHALL ALLOW A REASONABLE AMOUNT OF TIME AFTER
9 CLOSING FOR THE BUYER TO BRING THE MOBILE HOME OR ACCESSORY
10 BUILDING OR STRUCTURE INTO COMPLIANCE, WHICH MUST BE AT LEAST
11 THIRTY DAYS FROM THE CLOSING DATE.

12 (2.7) (a) NOTWITHSTANDING ANY RENTAL AGREEMENT, THE
13 MANAGEMENT SHALL NOT INTERFERE WITH A HOME OWNER'S RIGHT TO
14 SELL A MOBILE HOME OR ACCESSORY BUILDING OR STRUCTURE, IN PLACE
15 OR OTHERWISE, TO A BUYER OF THE HOME OWNER'S CHOOSING
16 REGARDLESS OF THE AGE OF THE HOME EXCEPT AS NECESSARY FOR THE
17 MANAGEMENT TO ENSURE:

18 (I) COMPLIANCE WITH PARK-WIDE AFFORDABILITY RESTRICTIONS,
19 INCLUDING REQUIREMENTS FOR OWNER OCCUPANCY;

20 (II) THE FINANCIAL ABILITY OF THE HOME BUYER TO COMPLY WITH
21 THE BUYER'S OBLIGATIONS AS A NEW TENANT;

22 (III) COMPLIANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL
23 LAW; AND

24 (IV) THE ABSENCE OF A HOME BUYER'S RELEVANT CRIMINAL
25 HISTORY THAT WOULD INDICATE A REASONABLE CHANCE OF RISK TO
26 OTHER RESIDENTS IN ACCORDANCE WITH SECTION 38-12-904 (1)(b).

27 (b) A PROVISION IN A RENTAL AGREEMENT THAT LIMITS OR

1 RESTRICTS A HOME OWNER'S RIGHT TO SELL A MOBILE HOME OR
2 ACCESSORY BUILDING OR STRUCTURE TO A BUYER OF THE HOME OWNER'S
3 CHOOSING OTHER THAN AS ALLOWED BY THIS SUBSECTION (2.7) IS
4 UNENFORCEABLE.

5 (3) (a) If the management provides each home owner written
6 notice of the management's intent to add or amend any written rule or
7 regulation as described in subsection (1)(e) of this section, a home owner
8 may file a complaint challenging the rule, regulation, or amendment
9 pursuant to section 38-12-1105 within sixty days after receiving the
10 notice. If a home owner files such a complaint, and the new or amended
11 rule or regulation will increase a cost to the home owner in an amount
12 that equals or exceeds ten percent of the home owner's monthly rent
13 obligation under the rental agreement, the management shall not enforce
14 the rule, regulation, or amendment unless and until the parties reach an
15 agreement concerning the rule, regulation, or amendment or the dispute
16 resolution process concludes and the division of housing within the
17 department of local affairs issues a written determination, pursuant to
18 section 38-12-1105 (4), that the rule, regulation, or amendment does not
19 constitute a violation of this part 2 and may be enforced. Notwithstanding
20 any provision of part 11 of this article 12 to the contrary, as part of the
21 complaint process described in section 38-12-1105, the management has
22 the burden of establishing that the rule, regulation, or amendment satisfies
23 the requirements described in ~~subsection (1)~~ SUBSECTIONS (1) AND (2) of
24 this section.

25 **SECTION 16.** In Colorado Revised Statutes, 38-12-217, **amend**
26 (1), (2), (3), (4)(a), (4)(b), (5) introductory portion, (5)(a), (5)(b), (6), (7),
27 (8), (9), (10)(a), and (14)(a); and **repeal and reenact, with amendments,**

1 (15) as follows:

2 **38-12-217. Notice of change of use - notice of sale or closure of**
3 **park - opportunity for home owners to purchase - procedures -**
4 **exemptions - enforcement - private right of action - definition.**

5 (1) Except as specified in subsection (12) of this section:

6 (a) (I) A ~~mobile home park owner~~ LANDLORD shall ~~notify the~~
7 ~~owners of all mobile homes in the park and the municipality in which the~~
8 ~~park is situated or, if none, the county in which the park is situated~~
9 PROVIDE NOTICE of the ~~park owner's~~ LANDLORD'S intent to ~~change the use~~
10 ~~of the land comprising the park or to sell the park~~ WITHIN FOURTEEN DAYS
11 OF A TRIGGERING EVENT DEMONSTRATING THE LANDLORD'S INTENT TO
12 SELL. THE NOTICE MUST BE GIVEN IN ACCORDANCE WITH THE
13 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION.

14 (II) A TRIGGERING EVENT REQUIRING NOTICE UNDER THIS
15 SUBSECTION (1)(a) INCLUDES ANY TIME THE LANDLORD:

16 (A) SIGNS A CONTRACT WITH A REAL ESTATE BROKER OR
17 BROKERAGE FIRM TO LIST THE PARK FOR SALE OR TO SELL OR TRANSFER
18 THE PARK;

19 (B) SIGNS A LETTER OF INTENT, OPTION TO SELL OR BUY, OR OTHER
20 CONDITIONAL WRITTEN AGREEMENT WITH A POTENTIAL BUYER FOR THE
21 SALE OR TRANSFER OF THE PARK, WHICH INCLUDES THE ESTIMATED PRICE,
22 TERMS, AND CONDITIONS OF THE PROPOSED SALE OR TRANSFER, EVEN IF
23 SUCH PRICE, TERMS, OR CONDITIONS ARE SUBJECT TO CHANGE;

24 (C) SIGNS A CONTRACT WITH A POTENTIAL BUYER'S REAL ESTATE
25 BROKER OR BROKERAGE FIRM RELATED TO THE POTENTIAL SALE OR
26 TRANSFER OF THE PARK;

27 (D) ACCEPTS AN EARNEST MONEY PROMISSORY NOTE OR DEPOSIT

1 FROM A POTENTIAL BUYER FOR THE SALE OR TRANSFER OF THE PARK;

2 (E) RESPONDS TO A POTENTIAL BUYER'S DUE DILIGENCE REQUEST
3 FOR THE PARK;

4 (F) PROVIDES A SIGNED PROPERTY DISCLOSURE FORM FOR THE
5 PARK TO A POTENTIAL BUYER;

6 (G) LISTS THE PARK FOR SALE;

7 (H) MAKES A CONDITIONAL ACCEPTANCE OF AN OFFER FOR THE
8 SALE OR TRANSFER OF THE PARK;

9 (I) TAKES ANY OTHER ACTION DEMONSTRATING AN INTENT TO
10 SELL THE PARK; OR

11 (J) RECEIVES A NOTICE OF ELECTION AND DEMAND OR LIS PENDENS
12 RELATED TO FORECLOSURE OF THE PARK PURSUANT TO PART 1 OF ARTICLE
13 38 OF THIS TITLE 38 OR A NOTICE THAT A CERTIFICATE OF LEVY HAS BEEN
14 FILED RELATED TO THE PARK PURSUANT TO SECTION 13-56-101;

15 ~~(b) If a mobile home park owner intends~~ A LANDLORD SHALL
16 PROVIDE NOTICE OF THE LANDLORD'S INTENT to change the use of the land
17 comprising the mobile home park ~~the mobile home park owner shall give~~
18 ~~written notice to each home owner~~ IN ACCORDANCE WITH THE
19 REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION at least twelve
20 months before the change in use will occur. ~~The mobile home park owner~~
21 ~~shall mail the written notice to each home owner at the home owner's~~
22 ~~most recent address and shall post a copy of the notice in a conspicuous~~
23 ~~place on the mobile home or at the main point of entry to the lot.~~

24 (c) No earlier than ~~thirty~~ NINETY days after giving the notice
25 required by ~~this subsection (1), or subsection (2)~~ SUBSECTION (1)(a) of
26 this section, a ~~mobile home park owner~~ LANDLORD may post information
27 in a public space in the mobile home park describing the method for

1 providing a signed writing to the mobile home park owner related to the
2 opportunity to purchase. The posting ~~may~~ MUST include standard forms
3 CREATED BY THE DEPARTMENT OF LOCAL AFFAIRS related to the
4 opportunity to purchase AND THE RIGHTS OF MOBILE HOME PARK OWNERS
5 RELATED TO THE OPPORTUNITY TO PURCHASE, including a STANDARDIZED
6 form DEVELOPED BY THE DEPARTMENT OF LOCAL AFFAIRS for ~~providing~~
7 ~~notice that a~~ THE LANDLORD TO USE TO REQUEST THE SIGNATURES OF
8 ~~home owner does not wish~~ OWNERS WHO DECLINE to participate in efforts
9 to purchase a community. If, no earlier than ~~thirty~~ NINETY days after a
10 ~~mobile home park owner~~ LANDLORD provides the notice required by ~~this~~
11 ~~subsection (1), or subsection (2)~~ SUBSECTION (1)(a) of this section, at least
12 fifty percent of the home owners who reside in the park provide signed
13 writings to the ~~mobile home park owner~~ expressing ~~no interest~~ LANDLORD
14 DECLINING TO PARTICIPATE in purchasing the park, then the opportunity
15 to purchase provided by subsection (4) of this section ~~shall terminate~~
16 TERMINATES even if the ~~ninety-day~~ ONE-HUNDRED-EIGHTY-DAY period
17 provided for in subsection (4)(a) of this section has not yet elapsed.

18 (d) A ~~mobile home park owner~~ LANDLORD shall not solicit or
19 request a home owner's intention or a signed writing related to the
20 opportunity to purchase during the initial ~~thirty~~ NINETY days after giving
21 notice pursuant to ~~this subsection (1), or subsection (2)~~ SUBSECTION (1)(a)
22 of this section. ~~At no time~~ During the time period for considering an
23 opportunity to purchase, A LANDLORD shall ~~a mobile home park owner~~
24 NOT attempt to coerce, THREATEN, OR INTIMIDATE A HOME OWNER or
25 provide any financial or in-kind incentives to a home owner to influence
26 the ~~homeowner's~~ HOME OWNER'S VOTE OR decision AND SHALL NOT TAKE
27 RETALIATORY ACTION AGAINST A HOME OWNER AFTER THE HOME OWNER'S

1 VOTE OR DECISION. Any complaints alleging violation of this subsection
2 (1) may be resolved under part 11 of this article 12 AND SUBSECTION (15)
3 OF THIS SECTION.

4 (2) **Notice - requirements.** ~~In addition to the notice specified in~~
5 ~~subsection (1) of this section, and except as specified in subsection (12)~~
6 ~~of this section:~~

7 (a) ~~A landlord shall give notice to each home owner in the mobile~~
8 ~~home park upon any of the following triggering events:~~

9 (I) ~~The landlord lists the park for sale;~~

10 (II) ~~The landlord intends to make a final, unconditional~~
11 ~~acceptance of an offer for the sale or transfer of the park; or~~

12 (III) ~~The landlord receives:~~

13 (A) ~~A notice of election and demand or lis pendens related to~~
14 ~~foreclosure of the park pursuant to part 1 of article 38 of this title 38; or~~

15 (B) ~~Notice that a certificate of levy has been filed related to the~~
16 ~~park pursuant to section 13-56-101.~~

17 (b) ~~Within fourteen days after the date on which any of the events~~
18 ~~described in subsection (2)(a) of this section occur,~~

19 (a) TO PROVIDE NOTICE AS REQUIRED BY SUBSECTION (1)(a) OR
20 (1)(b) OF THIS SECTION, the landlord shall mail the notice ~~required by this~~
21 ~~section~~ IN BOTH ENGLISH AND SPANISH by certified mail to:

22 (I) Each home owner, using the most recent address of the home
23 owner, and shall post a copy of the notice in a conspicuous place on the
24 mobile home or at the main point of entry to the lot;

25 (II) The municipality or, if the park is in an unincorporated area,
26 the county within which the park is located;

27 (III) The division of housing in the department of local affairs;

1 and

2 (IV) Each home owners' association, residents' association, or
3 similar body that represents the residents of the park.

4 (b) IN ADDITION TO MAILING THE NOTICE, THE LANDLORD SHALL:

5 (I) PROVIDE THE NOTICE IN BOTH ENGLISH AND SPANISH BY
6 E-MAIL TO EACH HOME OWNER WHO HAS AN E-MAIL ADDRESS ON FILE WITH
7 THE LANDLORD; AND

8 (II) POST THE NOTICE IN BOTH ENGLISH AND SPANISH IN A
9 CLEARLY VISIBLE LOCATION IN COMMON AREAS OF THE MOBILE HOME
10 PARK, INCLUDING ANY COMMUNITY HALL OR RECREATION HALL. THE
11 NOTICE MUST REMAIN PUBLICLY POSTED FOR A PERIOD OF AT LEAST ONE
12 HUNDRED EIGHTY DAYS FROM THE DATE IT IS POSTED OR UNTIL THE
13 OPPORTUNITY TO PURCHASE HAS EXPIRED.

14 (3) **Contents of notice.** The notice given pursuant to ~~subsection~~
15 ~~(1) or (2)~~ SUBSECTION (1)(a) of this section must include notice of home
16 owners' rights AND REMEDIES under ~~subsections (4) to (9)~~ of this section.
17 If the triggering event involves a POTENTIAL sale, the notice must also
18 include a description of the property to be purchased, ~~and~~ the price, terms,
19 and conditions of an acceptable offer the landlord has received to sell the
20 mobile home park or the price or terms and conditions for which the
21 landlord intends to sell the park, AND ANY OTHER TERMS OR CONDITIONS
22 WHICH, IF NOT MET, WOULD BE SUFFICIENT GROUNDS, IN THE LANDLORD'S
23 DISCRETION, TO REJECT AN OFFER FROM A GROUP OF HOME OWNERS OR
24 THEIR ASSIGNEES. THE PRICE, TERMS, AND CONDITIONS STATED IN THE
25 NOTICE MUST BE UNIVERSAL AND APPLICABLE TO ALL POTENTIAL BUYERS,
26 AND MUST NOT BE SPECIFIC TO AND PROHIBITIVE OF A GROUP OR
27 ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES MAKING A

1 SUCCESSFUL OFFER TO PURCHASE THE PARK. The information regarding
2 the proposed sale and the price, terms, and conditions of an acceptable
3 offer may be shared for the purposes of evaluating or obtaining financing
4 for the prospective transaction, but all persons who receive the
5 information shall otherwise keep it confidential if the ~~park owner~~
6 LANDLORD or the ~~park owner's~~ LANDLORD'S agent so requests.

7 (4) **Offer to purchase - who may submit - time limits.** (a) A
8 group or association of home owners or their assignees have ~~ninety~~ ONE
9 HUNDREDEIGHTY days after the date that the landlord mails a notice ~~under~~
10 ~~subsection (1) or (2)~~ REQUIRED BY SUBSECTION (1)(a) of this section to:

11 (I) Submit to the landlord a proposed purchase and sale agreement
12 and

13 ~~(H)~~ obtain a ~~binding commitment~~ AN OFFER. for any necessary
14 financing or guarantees; OR

15 (II) SUBMIT TO THE LANDLORD AN ASSIGNMENT AGREEMENT
16 PURSUANT TO SUBSECTION (8) OF THIS SECTION.

17 (b) Notwithstanding subsection (4)(a) of this section, if a
18 foreclosure sale of the park is scheduled for less than ~~ninety~~ ONE
19 HUNDRED EIGHTY days after the landlord mails a notice ~~under subsection~~
20 ~~(1) or (2)~~ REQUIRED BY SUBSECTION (1)(a) of this section, the opportunity
21 granted by subsection (4)(a) of this section terminates on the date of the
22 foreclosure sale.

23 (5) **Landlord's duty to consider offer.** A landlord that ~~receives~~
24 ~~an offer pursuant to~~ HAS GIVEN NOTICE AS REQUIRED BY SUBSECTION
25 (1)(a) OF this section shall: ~~not unreasonably refuse to:~~

26 (a) Provide documents, data, and other information in response to
27 reasonable requests for information from a group or association of home

1 owners or their assignees participating in the opportunity to purchase that
2 would enable them to prepare an offer. The documents, data, and other
3 information provided may be shared for the purposes of evaluating or
4 obtaining financing for the prospective transaction, but all persons who
5 receive the information shall otherwise keep it confidential if the ~~park~~
6 ~~owner~~ LANDLORD or the ~~park owner's~~ LANDLORD'S agent so requests.

7 (b) (I) Negotiate in good faith with a group or association of home
8 owners or their assignees. ~~or~~

9 (II) FOR PURPOSES OF THIS SUBSECTION (5)(b), NEGOTIATING IN
10 GOOD FAITH INCLUDES, BUT IS NOT LIMITED TO, EVALUATING AN OFFER TO
11 PURCHASE FROM A GROUP OF HOME OWNERS OR THEIR ASSIGNEES
12 WITHOUT CONSIDERATION OF THE TIME PERIOD FOR CLOSING, THE TYPE OF
13 FINANCING OR PAYMENT METHOD, WHETHER OR NOT THE OFFER IS
14 CONTINGENT ON FINANCING OR PAYMENT METHOD, OR WHETHER OR NOT
15 THE OFFER IS CONTINGENT ON FINANCING, AN APPRAISAL, OR TITLE WORK,
16 AND PROVIDING A WRITTEN RESPONSE WITHIN SEVEN CALENDAR DAYS OF
17 RECEIVING AN OFFER FROM A GROUP OF HOME OWNERS OR THEIR
18 ASSIGNEES. THE WRITTEN RESPONSE MUST ACCEPT OR REJECT THE OFFER,
19 AND IF THE OFFER IS REJECTED, MUST STATE:

20 (A) THE CURRENT PRICE, TERMS, OR CONDITIONS OF AN
21 ACCEPTABLE OFFER THAT THE LANDLORD HAS RECEIVED TO SELL THE
22 MOBILE HOME PARK, IF THE PRICE, TERMS, OR CONDITIONS HAVE CHANGED
23 SINCE THE LANDLORD GAVE NOTICE TO THE HOME OWNERS PURSUANT TO
24 SUBSECTION (3) OF THIS SECTION; AND

25 (B) A WRITTEN EXPLANATION OF WHY THE LANDLORD IS
26 REJECTING THE OFFER FROM A GROUP OF HOME OWNERS AND WHAT TERMS
27 AND CONDITIONS MUST BE INCLUDED IN A SUBSEQUENT OFFER FOR THE

1 LANDLORD TO POTENTIALLY ACCEPT IT.

2 (III) THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE
3 OFFER STATED IN THE RESPONSE MUST BE UNIVERSAL AND APPLICABLE TO
4 ALL POTENTIAL BUYERS, AND MUST NOT BE SPECIFIC TO AND PROHIBITIVE
5 OF A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR ASSIGNEES
6 MAKING A SUCCESSFUL OFFER TO PURCHASE THE PARK.

7 (6) **Expiration of opportunity to purchase.** (a) If the ~~ninety-day~~
8 ONE-HUNDRED-EIGHTY-DAY period provided for in subsection (4)(a) of
9 this section elapses and a group or association of home owners or their
10 assignees have not submitted a proposed purchase and sale agreement or
11 obtained a ~~binding~~ financial commitment, the group's or association's
12 opportunities provided by this section terminate.

13 (b) A landlord shall give a group or association of home owners
14 or their assignees an additional ~~ninety~~ ONE HUNDRED EIGHTY days after
15 the ~~ninety-day~~ ONE-HUNDRED-EIGHTY-DAY period provided by subsection
16 (4)(a) of this section to close on the purchase of the mobile home park.

17 (7) **Extension or tolling of time.** (a) The ~~ninety-day~~
18 ONE-HUNDRED-EIGHTY-DAY periods described in subsections (4)(a) and
19 (6)(b) of this section may be extended by written agreement between the
20 landlord and the group or association of home owners or their assignees.

21 (b) (I) THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR
22 ASSIGNEES ARE ENTITLED TO TOLLING OF THE TIME PERIODS DESCRIBED IN
23 SUBSECTION (4)(a) AND (6)(b) OF THIS SECTION IN ANY OF THE FOLLOWING
24 CIRCUMSTANCES:

25 (A) IF THERE IS A REASONABLE DELAY IN OBTAINING FINANCING
26 OR A REQUIRED INSPECTION OR SURVEY OF THE LAND THAT IS OUTSIDE THE
27 CONTROL OF THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR

1 ASSIGNEES, THE TIME PERIOD IS TOLLED FOR THE DURATION OF THE DELAY;

2 (B) IF THE GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR
3 ASSIGNEE FILES A NONFRIVOLOUS COMPLAINT WITH THE DEPARTMENT OF
4 LOCAL AFFAIRS ALLEGING A VIOLATION OF THIS SECTION, THE TIME PERIOD
5 IS TOLLED UNTIL THE DEPARTMENT OF LOCAL AFFAIRS ISSUES A WRITTEN
6 NOTICE OF VIOLATION OR NOTICE OF NONVIOLATION THAT HAS BECOME A
7 FINAL AGENCY ORDER DETERMINING WHETHER A VIOLATION HAS
8 OCCURRED OR THE PARTIES REACH A RESOLUTION BY SIGNING A
9 SETTLEMENT AGREEMENT APPROVED BY THE DEPARTMENT OF LOCAL
10 AFFAIRS; AND

11 (C) IF THE GROUP OR ASSOCIATION OF HOME OWNERS HAS
12 ATTEMPTED TO ASSIGN THEIR RIGHTS PURSUANT TO SUBSECTION (8) OF
13 THIS SECTION, THE TIME PERIOD IS TOLLED FROM THE TIME THE GROUP OR
14 ASSOCIATION MAKES THE OFFER OF ASSIGNMENT UNTIL THE POTENTIAL
15 ASSIGNEE EITHER CONFIRMS IN WRITING THAT THE OFFER IS REJECTED OR
16 A WRITTEN ASSIGNMENT CONTRACT IS EXECUTED; EXCEPT THAT THE TIME
17 PERIOD SHALL NOT BE TOLLED FOR MORE THAN NINETY DAYS PURSUANT
18 TO THIS SUBSECTION (7)(b)(I)(C).

19 (8) **Assignment of right to purchase.** (a) A group or association
20 of home owners or their assignees that have the opportunity to purchase
21 under subsection (4) of this section may assign their purchase right to a
22 local ~~or state~~ government, tribal government, housing authority, ~~or~~
23 nonprofit with expertise related to housing, or to THE STATE OR an agency
24 of the state, for the purpose of continuing the use of the park.

25 (b) (I) IF A GROUP OR ASSOCIATION OF HOME OWNERS OR THEIR
26 ASSIGNEES COMPRISING MORE THAN FIFTY PERCENT OF HOME OWNERS IN
27 A PARK CHOOSE TO ASSIGN THEIR RIGHTS TO A PUBLIC ENTITY UNDER THIS

1 SUBSECTION (8), THE HOME OWNERS OR THEIR ASSIGNEES SHALL ENTER
2 INTO A WRITTEN ASSIGNMENT CONTRACT WITH THE PUBLIC ENTITY. THE
3 ASSIGNMENT CONTRACT MUST INCLUDE THE TERMS AND CONDITIONS OF
4 THE ASSIGNMENT AND FOR HOW THE PARK WILL BE OPERATED IF THE
5 PUBLIC ENTITY PURCHASES THE PARK. THE ASSIGNMENT CONTRACT MUST
6 PROVIDE THAT THE TERMS AND CONDITIONS ARE APPLICABLE TO ANY
7 DESIGNEE SELECTED BY THE PUBLIC ENTITY PURSUANT TO SUBSECTION
8 (8)(b)(II) OF THIS SECTION. THE TERMS AND CONDITIONS MAY INCLUDE,
9 BUT ARE NOT LIMITED TO:

10 (A) ANY DEED RESTRICTIONS THAT MAY BE REQUIRED OR
11 PERMITTED REGARDING THE LOTS OR THE HOUSES IN THE PARK;

12 (B) ANY RESTRICTIONS ON RENT OR FEE INCREASES THAT APPLY IF
13 THE PUBLIC ENTITY PURCHASES THE PARK;

14 (C) ANY REQUIRED CONDITIONS, SUCH AS THE REQUIRED
15 DEMONSTRATION OF APPROVAL FROM HOME OWNERS, FOR REDEVELOPING
16 OR CHANGING THE USE OF SOME OR ALL OF THE PARK;

17 (D) A MANAGEMENT AGREEMENT FOR HOW THE PARK WILL BE
18 OPERATED IF THE PUBLIC ENTITY PURCHASES THE PARK; AND

19 (E) ANY CHANGES TO PARK RULES OR REGULATIONS THAT APPLY
20 IF THE PUBLIC ENTITY PURCHASES THE PARK.

21 (II) A PUBLIC ENTITY SHALL ONLY EXERCISE ITS RIGHT OF FIRST
22 REFUSAL FOR THE PURPOSE OF PRESERVING THE MOBILE HOME PARK AS
23 LONG-TERM AFFORDABLE HOUSING. THE PUBLIC ENTITY MAY DESIGNATE
24 A HOUSING AUTHORITY OR OTHER POLITICAL SUBDIVISION TO PURCHASE
25 THE PARK PURSUANT TO THE PUBLIC ENTITY'S RIGHT OF FIRST REFUSAL FOR
26 THIS PURPOSE IF THE OPTION FOR A DESIGNATION IS EXPRESSLY AGREED TO
27 IN THE ASSIGNMENT CONTRACT.

1 (III) THE PUBLIC ENTITY OR ITS DESIGNEE SHALL PROMPTLY
2 PROVIDE NOTICE OF THE ASSIGNMENT CONTRACT TO THE LANDLORD.

3 (c) (I) IF A LANDLORD RECEIVES NOTICE THAT A GROUP OR
4 ASSOCIATION OF HOME OWNERS HAS ENTERED AN ASSIGNMENT CONTRACT
5 WITH A PUBLIC ENTITY PURSUANT TO SUBSECTION (8)(b) OF THIS SECTION,
6 THE LANDLORD SHALL PROVIDE A RIGHT OF FIRST REFUSAL TO THE PUBLIC
7 ENTITY OR ITS DESIGNEE. ANY PURCHASE AND SALE AGREEMENT ENTERED
8 INTO BY THE LANDLORD MUST BE CONTINGENT UPON THE RIGHT OF FIRST
9 REFUSAL OF THE PUBLIC ENTITY OR ITS DESIGNEE TO PURCHASE THE
10 MOBILE HOME PARK.

11 (II) WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF AN
12 ASSIGNMENT CONTRACT, THE LANDLORD SHALL PROVIDE THE PUBLIC
13 ENTITY OR ITS DESIGNEE WITH THE TERMS UPON WHICH THE LANDLORD
14 WOULD ACCEPT AN OFFER TO SELL THE PARK OR A CONTINGENT PURCHASE
15 AND SALE AGREEMENT THAT IS EFFECTIVE UPON ITS EXECUTION. THE
16 PUBLIC ENTITY HAS ONE HUNDRED EIGHTY DAYS FROM THE DATE THE
17 PUBLIC ENTITY OR ITS DESIGNEE RECEIVES THE TERMS OR CONTINGENT
18 PURCHASE AND SALE AGREEMENT TO NOTIFY THE LANDLORD OF THE
19 PUBLIC ENTITY'S INTENT TO PURCHASE THE MOBILE HOME PARK OR OF THE
20 PUBLIC ENTITY'S INTENT TO FACILITATE THE PURCHASE OF THE MOBILE
21 HOME PARK BY ITS DESIGNEE.

22 (III) THE LANDLORD SHALL SELL THE MOBILE HOME PARK TO THE
23 PUBLIC ENTITY OR ITS DESIGNEE IF, WITHIN THE
24 ONE-HUNDRED-EIGHTY-DAY PERIOD, THE PUBLIC ENTITY OR ITS DESIGNEE:

25 (A) NOTIFIES THE LANDLORD OF ITS INTENT TO PURCHASE THE
26 PARK OR FACILITATE THE PURCHASE OF THE PARK BY ITS DESIGNEE;

27 (B) ACCEPTS THE CONTINGENT PURCHASE AND SALE AGREEMENT

1 PROVIDED BY THE LANDLORD OR OFFERS THE LANDLORD TERMS THAT ARE
2 ECONOMICALLY SUBSTANTIALLY IDENTICAL TO THE TERMS OF THE
3 CONTINGENT PURCHASE AND SALE AGREEMENT OR TO THE TERMS THE
4 LANDLORD PROVIDED PURSUANT TO SUBSECTION (8)(c)(II) OF THIS
5 SECTION; AND

6 (C) COMMITS TO CLOSE WITHIN ONE HUNDRED EIGHTY DAYS FROM
7 THE DATE THE PUBLIC ENTITY OR ITS DESIGNEE AND THE OWNER SIGN A
8 PURCHASE AND SALE AGREEMENT.

9 (IV) FOR THE PURPOSE OF DETERMINING WHETHER THE TERMS OF
10 AN OFFER ARE ECONOMICALLY SUBSTANTIALLY IDENTICAL UNDER
11 SUBSECTION (8)(c)(III)(B) OF THIS SECTION, IT IS IMMATERIAL HOW THE
12 OFFER WOULD BE FINANCED.

13 (d) A LANDLORD SHALL NOT TAKE ANY ACTION THAT WOULD
14 PRECLUDE THE PUBLIC ENTITY OR ITS DESIGNEE FROM SUCCEEDING TO THE
15 RIGHTS OF AND ASSUMING THE OBLIGATIONS OF THE DESIGNEE OF THE
16 TERMS OF THE CONTINGENCY PURCHASE AND SALE AGREEMENT OR
17 NEGOTIATING WITH THE LANDLORD FOR THE PURCHASE OF THE MOBILE
18 HOME PARK DURING THE NOTICE PERIODS IDENTIFIED IN THIS SECTION.

19 (e) IN ADDITION TO ANY OTHER TIMES, DURING THE NOTICE
20 PERIODS IDENTIFIED IN THIS SECTION, A PUBLIC ENTITY MAY PURSUE
21 PRESERVATION OF THE MOBILE HOME PARK AS AFFORDABLE HOUSING
22 THROUGH NEGOTIATION FOR PURCHASE OR THROUGH CONDEMNATION.

23 (f) AS USED IN THIS SUBSECTION (8), "PUBLIC ENTITY" MEANS THE
24 STATE, AN AGENCY OF THE STATE, A LOCAL GOVERNMENT, A TRIBAL
25 GOVERNMENT, OR ANY POLITICAL SUBDIVISION OF THE STATE, A LOCAL
26 GOVERNMENT, OR A TRIBAL GOVERNMENT.

27 (9) **Independence of time limits and notice provisions.**

1 (a) EXCEPT AS PROVIDED IN SUBSECTION (9)(b) OF THIS SECTION, each
2 occurrence of a triggering event listed in ~~subsection (1) or (2)~~
3 SUBSECTION (1)(a) of this section creates an independent, ~~ninety-day~~
4 ONE-HUNDRED-EIGHTY-DAY opportunity to purchase for the group or
5 association of home owners or their assignees. If a ~~ninety-day~~
6 ONE-HUNDRED-EIGHTY-DAY opportunity to purchase is in effect and a
7 new triggering event occurs, the ongoing ~~ninety-day~~
8 ONE-HUNDRED-EIGHTY-DAY time period terminates and a new ~~ninety-day~~
9 ONE-HUNDRED-EIGHTY-DAY time period begins on the latest date on
10 which the landlord gives notice, as required by ~~subsection (1)~~
11 SUBSECTION (1)(a) or (2) of this section, of the new triggering event.

12 (b) (I) A LANDLORD IS NOT REQUIRED TO PROVIDE A NEW OR
13 SUBSEQUENT NOTICE OF INTENT TO SELL FOR EACH TRIGGERING EVENT
14 LISTED IN SUBSECTION (1)(a) OF THIS SECTION IF:

15 (A) THE NEW DEMONSTRATION OF INTENT OCCURS WITHIN SIXTY
16 CALENDAR DAYS OF THE CERTIFIED MAILING OF THE MOST RECENT NOTICE
17 UNDER SUBSECTION (2) OF THIS SECTION; AND

18 (B) THERE ARE NO MATERIAL CHANGES TO THE IDENTITY OF A
19 POTENTIAL BUYER IF THE LANDLORD HAS MADE A CONDITIONAL
20 AGREEMENT WITH A BUYER; TO THE TIME WHEN THE PARK IS LISTED FOR
21 SALE; OR TO THE PRICE, TERMS, AND CONDITIONS OF AN ACCEPTABLE
22 OFFER THE LANDLORD HAS RECEIVED TO SELL THE MOBILE HOME PARK OR
23 FOR WHICH THE LANDLORD INTENDS TO SELL THE PARK, WHICH WERE
24 INCLUDED IN THE MOST RECENT NOTICE PROVIDED PURSUANT TO
25 SUBSECTION (1)(a) OF THIS SECTION.

26 (II) ANY MATERIAL CHANGE TO THE PRICE, TERMS, AND
27 CONDITIONS OF AN ACCEPTABLE OFFER THE LANDLORD HAS RECEIVED TO

1 SELL THE MOBILE HOME PARK OR FOR WHICH THE LANDLORD INTENDS TO
2 SELL THE PARK IS CONSIDERED A NEW TRIGGERING EVENT, REQUIRING A
3 NEW NOTICE PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND
4 CREATING A NEW ONE-HUNDRED-EIGHTY-DAY TIME PERIOD.

5 ~~(b)~~ (c) A notice required under this section is in addition to, and
6 does not substitute for or affect, any other notice requirement under this
7 part 2.

8 (10) A landlord shall not make a final, unconditional acceptance
9 of any offer for the sale or transfer of the park until:

10 (a) The landlord has considered an offer made by a group or
11 association of home owners or their assignees pursuant to subsections (4),
12 ~~and~~ (5), AND (8) of this section; or

13 (14) **Triggering events not essential.** (a) A group or association
14 of home owners or their assignees may submit an offer to purchase to a
15 landlord at any time, even if none of the events listed in ~~subsection (1) or~~
16 ~~(2)~~ SUBSECTION (1)(a) of this section has occurred.

17 (15) **Penalties and enforcement.** (a) (I) ANY SALE OF A MOBILE
18 HOME PARK IN WHICH THE LANDLORD OR SELLER OF THE PARK IS
19 SUBSTANTIALLY OUT OF COMPLIANCE WITH THIS SECTION IS NOT A LAWFUL
20 SALE AND IS NULL AND VOID.

21 (II) FOR PURPOSES OF THIS TITLE 38, THE RIGHTS ACCORDED TO
22 HOME OWNERS IN THIS SECTION ARE PROPERTY INTERESTS.

23 (III) ANY TITLE TRANSFERRED SUBSEQUENT TO THE TRIGGERING
24 EVENTS IN SUBSECTION (1)(a) OF THIS SECTION IS DEFECTIVE UNLESS THE
25 PROPERTY INTERESTS OF THE HOME OWNERS AS SET FORTH IN SUBSECTION
26 (15)(a)(II) OF THIS SECTION ARE SECURED OR UNTIL AN EQUITABLE
27 REMEDY HAS BEEN PROVIDED.

1 (b) IF THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL
2 AFFAIRS RECEIVES A COMPLAINT FILED IN ACCORDANCE WITH PART 11 OF
3 THIS ARTICLE 12, THE DIVISION SHALL INVESTIGATE THE ALLEGED
4 VIOLATIONS AT THE DIVISION'S DISCRETION, AND, IF APPROPRIATE,
5 FACILITATE NEGOTIATIONS BETWEEN THE COMPLAINANT AND RESPONDENT
6 IN ACCORDANCE WITH PART 11 OF THIS ARTICLE 12. THE DIVISION MAY
7 ALSO INVESTIGATE POSSIBLE VIOLATIONS OF THIS SECTION UPON ITS OWN
8 INITIATIVE. IN ADDITION TO THE REMEDIES DESCRIBED IN SECTION
9 38-12-1105, THE DIVISION MAY:

10 (I) IMPOSE A FINE ON THE SELLER OF THE MOBILE HOME PARK IN AN
11 AMOUNT NOT TO EXCEED THIRTY PERCENT OF THE SALE OR LISTING PRICE
12 OF THE PARK, WHICHEVER IS GREATER, WHICH THE DIVISION SHALL
13 DISTRIBUTE TO THE HOME OWNERS IN THE PARK; OR

14 (II) FILE A CIVIL ACTION FOR INJUNCTIVE OR OTHER RELIEF IN THE
15 DISTRICT COURT FOR THE DISTRICT IN WHICH THE PARK IS LOCATED.

16 (c) SUBJECT TO AVAILABLE RESOURCES, THE ATTORNEY GENERAL
17 MAY INVESTIGATE POSSIBLE VIOLATIONS OF THIS SECTION. IF THE
18 ATTORNEY GENERAL MAKES A PRELIMINARY FINDING THAT A LANDLORD
19 OR SELLER OF A MOBILE HOME PARK SUBSTANTIALLY FAILED TO COMPLY
20 WITH THIS SECTION, AND IF CONTINUATION OF THE SALE IS LIKELY TO
21 RESULT IN SIGNIFICANT HARM TO THE PROPERTY INTERESTS OF THE HOME
22 OWNERS AS SET FORTH IN SUBSECTION (15)(a)(II) OF THIS SECTION, THE
23 ATTORNEY GENERAL:

24 (I) SHALL INFORM THE REGISTRAR OF TITLES THAT THE HOME
25 OWNERS WITH PROPERTY INTERESTS UNDER THIS SECTION HAVE AN
26 ADVERSE CLAIM ON THE PROPERTY, WHICH MUST BE RECORDED ON THE
27 CERTIFICATE OF TITLE;

1 (II) MAY, PURSUANT TO SECTION 38-36-131 AND SUBJECT TO THE
2 TIME LIMITS OF SECTION 38-36-132, ISSUE AN ORDER PROVIDING
3 TEMPORARY INJUNCTIVE RELIEF TO PRESERVE THE OWNERSHIP STATUS
4 QUO IF THE ORDER IS ISSUED PRIOR TO A TRANSFER OF TITLE, OR TO
5 REVERT THE OWNERSHIP TO STATUS QUO ANTE SUBJECT TO THE
6 LIMITATIONS OF ARTICLE 41 OF THIS TITLE 38 IF THE ORDER IS ISSUED
7 AFTER THE TRANSFER OF TITLE;

8 (III) MAY CONTINUE TO INVESTIGATE, NEGOTIATE, AND, IF
9 APPROPRIATE, FILE A CIVIL ACTION TO SECURE AND ENFORCE THE RIGHTS
10 OF HOME OWNERS UNDER THIS SECTION OR TO SECURE AN EQUITABLE
11 REMEDY ON THEIR BEHALF.

12 (d) ONE OR MORE HOME OWNERS OR THEIR ASSIGNEES MAY FILE A
13 CIVIL ACTION ALLEGING A VIOLATION OF THIS SECTION PURSUANT TO
14 SECTION 38-12-220.

15 **SECTION 17.** In Colorado Revised Statutes, 38-12-219, **amend**
16 (1) introductory portion and (1)(a); and **add** (2) as follows:

17 **38-12-219. Home owners' and landlords' rights.** (1) Every
18 home owner and landlord ~~shall have the~~ HAS A PRIVATE right OF ACTION
19 PURSUANT TO SECTION 38-12-203 OR 38-12-220 to ENFORCE the
20 following:

21 (a) Protection from abuse or disregard of state or local law by the
22 landlord and home owners. ABUSE OR DISREGARD OF STATE OR LOCAL
23 LAW INCLUDES, BUT IS NOT LIMITED TO:

24 (I) ORAL OR WRITTEN STATEMENTS THAT THREATEN EVICTION OF
25 A HOME OWNER FOR VIOLATIONS THAT ARE NOT GROUNDS TO TERMINATE
26 A TENANCY UNDER SECTION 38-12-203;

27 (II) MISLEADING A HOME OWNER ABOUT THE HOME OWNER'S

1 OBLIGATION TO SIGN A NEW LEASE OR AGREEMENT; OR

2 (III) TAKING, POSSESSING, OR DEPRIVING A HOME OWNER OR
3 RESIDENT OF HIS OR HER PROPERTY OR PROPERTY RIGHTS WITHOUT DUE
4 PROCESS OF LAW, INCLUDING THE OPPORTUNITY FOR A JUDICIAL OR
5 ADMINISTRATIVE HEARING.

6 (2) THE RIGHTS AND OBLIGATIONS SET FORTH IN SUBSECTIONS
7 (1)(a)(III), (1)(b), AND (1)(c) OF THIS SECTION ARE NOT SUBJECT TO
8 ENFORCEMENT THROUGH THE "MOBILE HOME PARK ACT DISPUTE
9 RESOLUTION AND ENFORCEMENT PROGRAM" CREATED IN PART 11 OF THIS
10 ARTICLE 12.

11 **SECTION 18.** In Colorado Revised Statutes, **amend** 38-12-220
12 as follows:

13 **38-12-220. Private civil right of action.** (1) A home owner, ~~in~~
14 ~~a park where the landlord has violated any provision of this article 12 has~~
15 ~~a private civil right of~~, A RESIDENT, AN ASSOCIATION OF HOME OWNERS,
16 OR A LANDLORD OR THE ASSIGNEE OF A HOME OWNER, A RESIDENT, AN
17 ASSOCIATION OF HOME OWNERS, OR A LANDLORD MAY FILE A CIVIL ACTION
18 ~~against the landlord~~ ALLEGING A VIOLATION OF A RENTAL AGREEMENT OR
19 OF ANY PROVISION OF THIS ARTICLE 12.

20 (2) In any such action, except as described in section 38-12-105
21 (4): ~~the home owner is entitled to actual economic damages and~~
22 ~~reasonable attorney fees and costs if the home owner is successful in the~~
23 ~~action.~~

24 (a) A COURT MAY AWARD ECONOMIC DAMAGES, ANY PENALTIES
25 AUTHORIZED BY THIS ARTICLE 12, AND SUCH EQUITABLE AND INJUNCTIVE
26 RELIEF AS IS APPROPRIATE TO PROTECT THE RIGHTS OF THE PARTIES;

27 (b) A COURT MAY AWARD REASONABLE ATTORNEY FEES AND

1 COSTS TO A PREVAILING PARTY; EXCEPT THAT, IN AN ACTION BROUGHT BY
2 A RESIDENT, A HOME OWNER, OR AN ASSOCIATION OF HOME OWNERS A
3 COURT SHALL NOT:

4 (I) AWARD ATTORNEY FEES TO A LANDLORD UNLESS THE COURT
5 FINDS THAT THE RESIDENT, A HOME OWNER, OR AN ASSOCIATION OF HOME
6 OWNERS FILED A COMPLAINT THAT WAS FRIVOLOUS, NOTWITHSTANDING
7 ANY AGREEMENT TO THE CONTRARY; OR

8 (II) REQUIRE A BOND TO BE PAID INTO THE COURT AS A CONDITION
9 OF FILING THE SUIT.

10 (3) IN AN ACTION ALLEGING A VIOLATION OF SECTION 38-12-217:

11 (a) A COURT MAY ISSUE AN ORDER SUSPENDING THE
12 ONE-HUNDRED-EIGHTY-DAY PERIODS DESCRIBED IN SECTION 38-12-217
13 (4)(a) AND (6)(b), STAYING OR CANCELING THE CLOSING OF ANY PENDING
14 TRANSACTION, OR PROVIDING SUCH OTHER EQUITABLE RELIEF AS THE
15 COURT DEEMS NECESSARY TO PROTECT THE RIGHTS OF THE HOME OWNERS
16 UNDER SECTION 38-12-217.

17 (b) IF THE COURT FINDS THE LANDLORD VIOLATED SECTION
18 38-12-217, IN ADDITION TO ALL OTHER REMEDIES, THE COURT SHALL
19 AWARD A STATUTORY PENALTY OF NO LESS THAN TWENTY THOUSAND
20 DOLLARS BUT NO MORE THAN THE DOLLAR AMOUNT CALCULATED TO BE
21 THIRTY PERCENT OF THE PURCHASE OR LISTING PRICE OF THE PARK. THE
22 PENALTY AUTHORIZED BY THIS SUBSECTION (3)(b) IS IN ADDITION TO ANY
23 FINE OR PENALTY IMPOSED BY OR AWARDED TO THE DIVISION OF HOUSING
24 UNDER SECTION 38-12-217 (15).

25 (4) IF A COURT DETERMINES THAT A LANDLORD VIOLATED SECTION
26 38-12-204 (4), (5), OR (6), IN ADDITION TO ALL OTHER REMEDIES, THE
27 COURT SHALL AWARD A STATUTORY PENALTY OF NO LESS THAN FIFTEEN

1 THOUSAND DOLLARS BUT NO MORE THAN FIFTY THOUSAND DOLLARS TO
2 EACH AGGRIEVED PARTY FOR EACH VIOLATION THAT OCCURRED.

3 **SECTION 19.** In Colorado Revised Statutes, 38-12-222, **amend**
4 (2) and (3) as follows:

5 **38-12-222. Residents' right to privacy.** (2) Unless otherwise
6 prohibited by law, the management has a right of entry to mobile home
7 space to fulfill the duties described in section 38-12-212.3 and to ensure
8 compliance with applicable codes, statutes, ordinances, and
9 administrative rules; the rental agreement; and the rules and regulations
10 of the park. A landlord shall not enter in a manner that interferes with a
11 ~~home owner's~~ RESIDENT'S peaceful enjoyment of the mobile home space,
12 as described in section 38-12-219 (1)(b), except in the case of an
13 emergency.

14 (3) Except when posting notices that are required by law or by a
15 rental agreement, the management shall make a reasonable effort to notify
16 a ~~home owner~~ RESIDENT of the management's intention to enter the
17 mobile home space at least forty-eight hours before entry. THE
18 NOTIFICATION MUST INCLUDE THE DATE AND APPROXIMATE TIME OF THE
19 PLANNED ENTRY AND MUST BE DELIVERED IN A MANNER THAT IS
20 REASONABLY LIKELY TO BE SEEN OR HEARD BY THE RESIDENT IN A TIMELY
21 MANNER.

22 **SECTION 20.** In Colorado Revised Statutes, **add** 38-12-223 as
23 follows:

24 **38-12-223. Tenancy and park sale records.** (1) A LANDLORD
25 SHALL RETAIN RECORDS FOR EACH HOME OWNER AND RESIDENT
26 THROUGHOUT THE HOME OWNER'S OR RESIDENT'S TENANCY AND FOR
27 TWELVE MONTHS AFTER THE TENANCY ENDS, INCLUDING DOCUMENTATION

1 OF:

2 (a) EACH RENTAL AGREEMENT SIGNED BY THE HOME OWNER OR
3 RESIDENT AND THE CURRENT OR PREVIOUS LANDLORD;

4 (b) THE DATE AND AMOUNT OF ANY CHANGE IN RENT DURING THE
5 HOME OWNER'S OR RESIDENT'S TENANCY;

6 (c) WRITTEN RULES AND REGULATIONS ADOPTED BY THE CURRENT
7 OR PREVIOUS LANDLORD DURING THE HOME OWNER'S OR RESIDENT'S
8 TENANCY;

9 (d) EACH REQUEST FROM THE HOME OWNER OR RESIDENT
10 RELATING TO THE FOLLOWING, INCLUDING WHETHER THE LANDLORD AT
11 THE TIME APPROVED OR DISAPPROVED EACH REQUEST:

12 (I) GUESTS, ROOMMATES, OCCUPANTS, CO-LESSEES, OR
13 SUB-LESSEES;

14 (II) PETS OR SERVICE ANIMALS;

15 (III) ACCESSORY BUILDINGS OR STRUCTURES, INCLUDING SHEDS
16 AND CARPORTS;

17 (IV) DECKS, FENCES, WHEELCHAIR RAMPS, OR OTHER STRUCTURAL
18 CHANGES TO THE HOME OR LOT; AND

19 (V) USE OF PROPERTY RELATED TO PARKING OF VEHICLES AND USE
20 OF VEHICLES.

21 (2) A LANDLORD WHO IS SELLING OR TRANSFERRING A MOBILE
22 HOME PARK SHALL MAINTAIN ALL RECORDS RELATED TO COMPLIANCE
23 WITH SECTION 38-12-217 FOR A MINIMUM OF FORTY-EIGHT MONTHS AFTER
24 ANY SALE OR TRANSFER OF A MOBILE HOME PARK IS COMPLETE, INCLUDING
25 BUT NOT LIMITED TO:

26 (a) NOTICES MAILED OR GIVEN TO HOME OWNERS PURSUANT TO
27 SECTION 38-12-217 (1) AND (2);

1 (b) POSTINGS PURSUANT TO SECTION 38-12-217 (1)(c), INCLUDING
2 ANY FORMS FOR HOME OWNERS TO PROVIDE NOTICE THAT THEY DO NOT
3 WISH TO PARTICIPATE IN EFFORTS TO PURCHASE THE COMMUNITY;

4 (c) SIGNED WRITINGS PROVIDED BY HOME OWNERS TO THE PARK
5 OWNER DECLINING TO PARTICIPATE IN PURCHASING THE PARK PURSUANT
6 TO SECTION 38-12-217 (1)(c);

7 (d) OFFERS TO PURCHASE AND PROPOSED PURCHASE AND SALE
8 AGREEMENTS SUBMITTED TO THE LANDLORD BY A GROUP OR ASSOCIATION
9 OF HOME OWNERS OR THEIR ASSIGNEES PURSUANT TO SECTION 38-12-217
10 (4);

11 (e) REQUESTS FOR INFORMATION FROM A GROUP OR ASSOCIATION
12 OF HOME OWNERS OR THEIR ASSIGNEES PARTICIPATING IN THE
13 OPPORTUNITY TO PURCHASE AND THE LANDLORD'S RESPONSES TO THE
14 REQUESTS FOR INFORMATION PURSUANT TO SECTION 38-12-217 (5)(a);
15 AND

16 (f) OFFERS TO PURCHASE AND ANY CONDITIONAL AND
17 UNCONDITIONAL PURCHASE AND SALE AGREEMENTS SUBMITTED BY THE
18 SUCCESSFUL PURCHASER OF THE MOBILE HOME PARK.

19 (3) UPON THE SALE OR TRANSFER OF A MOBILE HOME PARK, THE
20 SELLER MUST TRANSFER ALL RECORDS MAINTAINED UNDER SUBSECTION
21 (1) OF THIS SECTION TO THE NEW OWNER.

22 (4) IF AN ISSUE ARISES AS TO A RESIDENT'S RIGHT TO ANY OF THE
23 MATTERS DESCRIBED IN SUBSECTION (1)(c) OR (2) OF THIS SECTION AND
24 THE LANDLORD HAS NOT RETAINED ADEQUATE RECORDS FOR THAT
25 RESIDENT, THE LANDLORD SHALL BE PRESUMED TO HAVE VIOLATED THIS
26 PART 2 UNLESS THE LANDLORD DEMONSTRATES COMPLIANCE BY A
27 PREPONDERANCE OF THE EVIDENCE.

1 (5) THE DIVISION MAY PROMULGATE RULES CONCERNING THE
2 IMPLEMENTATION OF THIS SECTION, INCLUDING REQUIREMENTS
3 CONCERNING:

4 (a) HOW A PERSON MAY ACCESS OR OBTAIN COPIES OF RECORDS
5 RETAINED PURSUANT TO THIS SECTION AND ANY RESTRICTIONS ON WHO
6 MAY ACCESS RECORDS RETAINED PURSUANT TO THIS SECTION;

7 (b) WHAT FEES OR COSTS, IF ANY, MAY BE IMPOSED FOR OBTAINING
8 COPIES OF RECORDS RETAINED PURSUANT TO THIS SECTION;

9 (c) CONFIDENTIALITY PROTECTIONS FOR PERSONALLY IDENTIFYING
10 INFORMATION INCLUDED IN RECORDS RETAINED PURSUANT TO THIS
11 SECTION;

12 (d) SECURE DESTRUCTION OF RECORDS ONCE THE PERIOD OF
13 RETENTION HAS PASSED; AND

14 (e) PENALTIES FOR VIOLATIONS OF THIS SECTION.

15 (6) IF A CURRENT OR FORMER MANAGEMENT OR LANDLORD
16 VIOLATES THIS SECTION, A HOME OWNER [REDACTED] MAY FILE A COMPLAINT
17 PURSUANT TO SECTION 38-12-1105.

18 **SECTION 21.** In Colorado Revised Statutes, 38-12-1102, **amend**
19 (1)(c) and (2); and **add** (1)(d) as follows:

20 **38-12-1102. Legislative declaration.** (1) The general assembly
21 hereby finds and declares that:

22 (c) Taking legal action against a mobile home park landlord for
23 violations of the "Mobile Home Park Act" can be a costly and lengthy
24 process THAT IS NOT TIMELY ENOUGH TO PREVENT SIGNIFICANT HARM, and
25 many mobile home owners [REDACTED] cannot afford to pursue a court process to
26 vindicate statutory rights. Mobile home park landlords will also benefit
27 by having access to a process that resolves disputes quickly and

1 efficiently.

2 (d) CERTAIN ACTIONS BY MOBILE HOME PARK LANDLORDS MAY
3 CAUSE IMMINENT HARM TO MOBILE HOME PARK RESIDENTS.

4 (2) Therefore, it is the intent of the general assembly to provide
5 an equitable as well as a less costly and more TIMELY AND efficient way
6 for mobile home owners and mobile home park landlords to resolve
7 disputes; and to provide a mechanism for state authorities to quickly
8 locate mobile home park landlords; AND TO GRANT THE DIVISION OF
9 HOUSING THE AUTHORITY TO ISSUE CEASE AND DESIST ORDERS TO STOP
10 ACTIONS BY LANDLORDS THAT POSE THE POTENTIAL FOR IMMINENT HARM.

11 **SECTION 22.** In Colorado Revised Statutes, 38-12-1103, **amend**
12 (2) and (7); and **add** (8) as follows:

13 **38-12-1103. Definitions.** As used in this part 11, unless the
14 context otherwise requires:

15 (2) [REDACTED] "Complainant" means a landlord, or home owner, OR
16 GROUP OF HOME OWNERS who has filed a complaint alleging a violation
17 of the act, THIS PART 11, OR A RULE or the complainant's agent, employee,
18 or representative authorized to act on the complainant's behalf.

19 [REDACTED]
20 (7) "Respondent" means a landlord, FORMER LANDLORD, or home
21 owner alleged to have committed a violation of the act, THIS PART 11, OR
22 A RULE or the respondent's agent, employee, or representative authorized
23 to act on the respondent's behalf.

24 (8) "RULE" MEANS A RULE PROMULGATED BY THE DIVISION
25 PURSUANT TO THE ACT OR THIS PART 11.

26 **SECTION 23.** In Colorado Revised Statutes, 38-12-1104, **amend**
27 (2)(a), (2)(g), and (2)(h); and **add** (4) as follows:

1 **38-12-1104. Dispute resolution program - creation - division**
2 **of housing - duties - report - rules.** (2) The division shall:

3 (a) Produce educational materials regarding the act and the
4 program. These materials must be in both English and Spanish and must
5 include a notice in a format that a landlord can reasonably post in a
6 mobile home park. The notice must summarize home owner rights and
7 responsibilities UNDER THE ACT AND THIS PART 11, provide information
8 on how to file a complaint with the division, describe the protections
9 afforded home owners under section 38-12-1105 (13), and provide a
10 toll-free telephone number and website that landlords and home owners
11 can use to seek additional information and communicate complaints
12 specific to the program;

13 (g) Provide an annual report to the transportation and local
14 government committee of the house of representatives, or its successor
15 committee, AND the local government committee of the senate, or its
16 successor committee, and to the department of regulatory agencies, and
17 publish that annual report on the division's official website;

18 (h) Receive complaints and perform dispute resolution AND
19 ENFORCEMENT activities related to the program, including investigations,
20 negotiations, COMMUNICATIONS, determinations of violations, AWARDS OF
21 DAMAGES, and imposition of penalties as described in section
22 38-12-1105;

23 (4) THE ATTORNEY GENERAL MAY, AT THE ATTORNEY GENERAL'S
24 DISCRETION, INVESTIGATE AND ENFORCE COMPLIANCE WITH THE ACT AND
25 THIS PART 11.

26 **SECTION 24.** In Colorado Revised Statutes, 38-12-1105, **amend**
27 (1), (2), (3)(a), (4), (7)(a)(II), (7)(a)(III), (7)(b), (10), and (13); and

1 **add** (3)(c), (6.5), and (15) as follows:

2 **38-12-1105. Dispute resolution program - complaint process.**

3 (1) ~~Beginning on June 30, 2020,~~ Any aggrieved party may file a
4 complaint with the division ON A FORM PRESCRIBED BY THE DIVISION
5 alleging a violation of the act, ~~or~~ this part 11, OR A RULE, regardless of
6 whether the provision allegedly violated contains a specific reference to
7 this section.

8 (2) After receiving a complaint under this part 11, the division
9 shall investigate the alleged violations at the division's discretion. ~~and,~~
10 THE DIVISION MAY, if appropriate, facilitate negotiations between the
11 complainant and the respondent. THE DIVISION MAY ON ITS OWN
12 INITIATIVE INVESTIGATE POTENTIAL VIOLATIONS OF THE ACT, THIS PART
13 11, OR A RULE WHEN IT RECEIVES EVIDENCE OF A POTENTIAL VIOLATION
14 FROM A SOURCE OTHER THAN A FILED COMPLAINT AND MAY MAKE
15 DETERMINATIONS AND TAKE ENFORCEMENT ACTIONS PURSUANT TO THIS
16 SECTION FOLLOWING SUCH AN INVESTIGATION.

17 (3) (a) Complainants and respondents shall cooperate with the
18 division in the course of an investigation by responding to subpoenas
19 issued by the division. The subpoenas may COMPEL TESTIMONY, TAKE
20 EVIDENCE, OR seek access to papers or other documents and provide site
21 access to the mobile home parks relevant to the investigation.
22 Complainants and respondents must respond to the division's subpoenas
23 within fourteen days of the division sending the subpoenas by certified
24 mail.

25 (c) IF A COMPLAINANT OR RESPONDENT FAILS TO RESPOND TO A
26 mail.
27

1 SUBPOENA WITHIN THE TIME REQUIRED BY SUBSECTION (3)(a) OF THIS
2 SECTION, THE DIVISION MAY IMPOSE A PENALTY OF UP TO FIVE THOUSAND
3 DOLLARS PER VIOLATION PER DAY FOR EACH DAY THE COMPLAINANT OR
4 RESPONDENT FAILS TO RESPOND. THE DIVISION MAY DELAY OR DISMISS
5 THE IMPOSITION OF THE PENALTY IF THE COMPLAINANT OR RESPONDENT
6 MAKES A GOOD-FAITH EFFORT TO COMPLY WITHIN SEVEN DAYS.

7 (4) (a) If, after an investigation, the division determines that the
8 parties are unable to come to an agreement OR THAT FACILITATING
9 NEGOTIATIONS BETWEEN THE PARTIES IS NOT APPROPRIATE TO RESOLVE
10 THE ALLEGED VIOLATION, the division shall make a written determination
11 on whether a violation of the act, THIS PART 11, OR A RULE has occurred.

12 (b) If the division finds by a written determination that a violation
13 of the act, THIS PART 11, OR A RULE has occurred, the division shall
14 deliver a written notice of violation by certified mail to both the
15 complainant and the respondent. The notice of violation must specify the
16 basis for the division's determination, the violation, the action required to
17 cure the violation, the time within which that action must be taken, the
18 penalties that will be imposed if that action is not taken within the
19 specified time period, and the process for contesting the determination,
20 required action, and penalties by means of an administrative hearing.

21 (c) If the division finds by a written determination that a violation
22 of the act, THIS PART 11, OR A RULE has not occurred, the division shall
23 deliver a written notice of nonviolation to both the complainant and the
24 respondent by certified mail. The notice of nonviolation must include the
25 basis for the division's determination and the process for contesting the
26 determination included in the notice of nonviolation by means of an
27 administrative hearing.

1 (6.5) (a) WHENEVER THE DIVISION HAS REASONABLE CAUSE TO
2 BELIEVE THAT A VIOLATION OF THE ACT, THIS PART 11, OR A RULE HAS
3 OCCURRED OR WILL SOON OCCUR, AND THAT IMMEDIATE ENFORCEMENT
4 IS NECESSARY, THE DIVISION MAY IMMEDIATELY ISSUE A CEASE AND
5 DESIST ORDER. A WRITTEN DETERMINATION AND NOTICE OF VIOLATION IS
6 NOT REQUIRED WHEN THE DIVISION ISSUES A CEASE AND DESIST ORDER
7 PURSUANT TO THIS SUBSECTION (6.5). THE ORDER MUST SET FORTH THE
8 PROVISIONS ALLEGED TO HAVE BEEN VIOLATED, THE FACTS ALLEGED TO
9 HAVE CONSTITUTED THE VIOLATION, AND THE REQUIREMENT THAT ALL
10 ACTIONS IMMEDIATELY CEASE.

11 (b) WITHIN FIFTEEN BUSINESS DAYS AFTER SERVICE OF THE ORDER,
12 THE PERSON RECEIVING THE ORDER MAY REQUEST AN ADMINISTRATIVE
13 HEARING PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION TO
14 DETERMINE WHETHER OR NOT THE ALLEGED VIOLATION HAS OCCURRED.

15 (c) IF A PERSON WHO IS THE SUBJECT OF AN ORDER TO CEASE AND
16 DESIST FAILS TO COMPLY WITH THE ORDER WITHIN FORTY-EIGHT HOURS,
17 THE DIVISION MAY BRING AN ACTION IN CIVIL COURT FOR A TEMPORARY
18 RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO PREVENT FURTHER
19 OR CONTINUED VIOLATION OF THE ACT, THIS PART 11, OR A RULE. A COURT
20 SHALL NOT STAY AN ORDER TO CEASE AND DESIST UNTIL AFTER HOLDING
21 A HEARING INVOLVING BOTH PARTIES ON THE MATTER.

22 (7) (a) A complainant or respondent may request an administrative
23 hearing before an administrative law judge to contest:

24 (II) A penalty imposed under subsection (3) OR (5) of this section;

25 or

26 (III) An order to cease and desist or an order to take actions under
27 subsection (6) OR (6.5) of this section.

1 (b) If the complainant or respondent requests an administrative
2 hearing pursuant to subsection (7)(a) of this section, the complainant or
3 respondent must file the request within fifteen business days ~~of receipt~~
4 AFTER SERVICE of a notice of violation, notice of nonviolation penalty,
5 order, or action. If an administrative hearing is not requested within this
6 time period, the notice of violation, ~~or~~ notice of nonviolation, OR CEASE
7 AND DESIST ORDER constitutes a final agency order of the division and is
8 not subject to review by any court or agency.

9 (10) When the division imposes any penalty against a respondent
10 landlord under this part 11, the respondent may not seek any recovery or
11 reimbursement of the penalty from a complainant or from any other home
12 owner OR RESIDENT.

13 [REDACTED]
14 (13) A landlord ~~may~~ SHALL not take any retaliatory actions against
15 a home owner [REDACTED] FOR FILING A COMPLAINT AND SHALL NOT HARASS OR
16 INTIMIDATE A HOME OWNER [REDACTED] IN VIOLATION OF SECTION 38-12-212.5
17 (4.5). If the division determines that a landlord has retaliated against a
18 home owner [REDACTED] OR VIOLATED SECTION 38-12-212.5 (4.5), the division may
19 impose a fine of up to ten thousand dollars on the landlord.

20 (15) THE DIVISION SHALL TAKE ALL REASONABLE STEPS TO AVOID
21 DISCLOSING THE COMPLAINANT'S IDENTITY TO THE LANDLORD DURING OR
22 AFTER THE INVESTIGATION WITHOUT THE COMPLAINANT'S PERMISSION IF
23 A COMPLAINT ALLEGES A VIOLATION THAT IS OF A GENERAL NATURE
24 AFFECTING MULTIPLE HOME OWNERS OR RESIDENTS, INCLUDING BUT NOT
25 LIMITED TO A COMPLAINT ALLEGING THAT A LANDLORD'S RULES OR RULE
26 ENFORCEMENT PRACTICES VIOLATE THE ACT, THIS PART 11, OR A RULE
27 AND THE DIVISION CAN ADEQUATELY INVESTIGATE THE COMPLAINT

1 WITHOUT REVEALING THE COMPLAINANT'S IDENTITY. A PERSON SHALL
2 NOT OBTAIN ACCESS TO THE RECORD THROUGH SUBPOENA, DISCOVERY, OR
3 UNDER ANY STATUTORY AUTHORITY. THIS SUBSECTION (15) DOES NOT
4 PROHIBIT THE DIVISION FROM REQUIRING OR KNOWING THE IDENTITY OF
5 A COMPLAINANT.

6 **SECTION 25.** In Colorado Revised Statutes, 38-12-1106, **amend**
7 **█** (7)(d), (7)(e), and (8); and **add** (7)(f) as follows:

8 **38-12-1106. Registration of mobile home parks - process - fees.**

9 (2) The division shall send registration notifications and information
10 packets to all known landlords of unregistered mobile home parks. These
11 information packets must include:

12 **█**
13 (7) The registration forms provided by the division must require
14 information necessary to assist the division in identifying and locating a
15 mobile home park and other information that may be useful to the state
16 including, at a minimum:

17 (d) The number of mobile homes within the mobile home park;
18 **and**

19 (e) The PHYSICAL address of each mobile home within the mobile
20 home park AND THE MAILING ADDRESS OF THE HOME OWNER, IF THE
21 LANDLORD HAS A DIFFERENT MAILING ADDRESS ON FILE FOR THE HOME
22 OWNER; AND

23 (f) THE DATE AND AMOUNT OF THE MOST RECENT RENT INCREASE
24 FOR EACH MOBILE HOME LOT AND EACH MOBILE HOME IN THE PARK.

25 (8) ~~For the 2020 calendar year, the division shall charge each~~
26 ~~landlord a twenty-four dollar registration fee for each mobile home~~
27 ~~independently owned on rented land within the landlord's mobile home~~

1 ~~park. Each year thereafter,~~ The division shall establish by rule a fee that
2 each landlord shall pay to the division as an annual registration fee for
3 each mobile home independently owned on rented land within the
4 landlord's mobile home park. A landlord may charge a home owner not
5 more than half of the fee. The registration fee for each mobile home must
6 be deposited into the fund. The division shall review the annual
7 registration fee and, if necessary, adjust the annual registration fee
8 through rule-making to ensure it continues to reasonably relate to the cost
9 of administering the program.

10 **SECTION 26.** In Colorado Revised Statutes, 38-12-1110, **add** (3)
11 as follows:

12 **38-12-1110. Mobile home park act dispute resolution and**
13 **enforcement program fund.** (3) IN FISCAL YEAR 2022-23 AND EACH
14 FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE
15 MONEY FROM THE GENERAL FUND TO THE MOBILE HOME PARK ACT
16 DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM FUND FOR USE BY THE
17 DIVISION TO CONDUCT OUTREACH, MONITORING, AND ENFORCEMENT
18 RELATED TO SECTIONS 38-12-217 AND 38-12-203.5.

19 **SECTION 27. Appropriation.** (1) For the 2022-23 state fiscal
20 year, \$116,293 is appropriated to the mobile home park act dispute
21 resolution and enforcement program fund created in section 38-12-1110
22 (1), C.R.S. This appropriation is from the general fund. The department
23 of local affairs is responsible for the accounting related to this
24 appropriation.

25 (2) For the 2022-23 state fiscal year, \$50,173 is appropriated to
26 the office of the governor for use by the office of information technology.
27 This appropriation is from reappropriated funds received from the

1 department of local affairs from the mobile home park act dispute
2 resolution and enforcement program fund created in section 38-12-1110
3 (1), C.R.S. To implement this act, the office may use this appropriation
4 to provide information technology services for the department of local
5 affairs.

6 **SECTION 28. Safety clause.** The general assembly hereby finds,
7 determines, and declares that this act is necessary for the immediate
8 preservation of the public peace, health, or safety.