

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

An Act

HOUSE BILL 26-1145

BY REPRESENTATIVE(S) Velasco and Phillips, Bacon, Boesenecker, Brown, Camacho, Duran, Espenosa, Froelich, Goldstein, Hamrick, Jackson, Joseph, Lieder, Lindsay, Lukens, Marshall, Martinez, Mauro, McCormick, Nguyen, Paschal, Ricks, Rutinel, Rydin, Sirota, Smith, Stewart K., Stewart R., Story, Titone, Woodrow;
also SENATOR(S) Cutter and Mullica, Amabile, Benavidez, Daugherty, Gonzales J., Hinrichsen, Jodeh, Kipp, Kolker, Lindstedt, Marchman, Roberts, Rodriguez, Wallace, Weissman, Coleman.

CONCERNING WATER QUALITY IN MOBILE HOME PARKS.

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

SECTION 1. In Colorado Revised Statutes, 25-8-1001, **amend** (13); and **add** (13.5) as follows:

25-8-1001. Definitions.

As used in this part 10, unless the context otherwise requires:

(13) "Remediation" means the resolution of all water quality issues of a finished water source. ~~so that the finished water is safe and healthy to~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~drink~~: "Remediate" has a corresponding meaning.

(13.5) (a) "RISK TO WELFARE" MEANS A REASONABLE LIKELIHOOD OF NEGATIVELY AFFECTING THE ABILITY OF INDIVIDUALS TO MEET BASIC MATERIAL NEEDS.

(b) "RISK TO WELFARE" INCLUDES:

(I) NEGATIVELY AFFECTING THE FINANCES OF A HOUSEHOLD; OR

(II) A REASONABLE LIKELIHOOD THAT THE FINISHED WATER OR WATER SUPPLY IS NOT OF SUFFICIENT QUALITY TO BE SUITABLE FOR HOUSEHOLD USES, SUCH AS DRINKING, COOKING, BATHING, WASHING CLOTHES, AND USING WITH HOME APPLIANCES.

SECTION 2. In Colorado Revised Statutes, 25-8-1002, **amend** (2)(c); and **add** (3)(c)(IV) as follows:

25-8-1002. Division duties - testing water quality at mobile home parks - parameters of testing - notice of results.

(2) **Testing parameters.**

(c) Each approved sampling and testing plan is subject to review and revision by the ~~department~~ DIVISION.

(3) **Notice of test results.**

(c) (IV) IF THE PARK OWNER FAILS TO CERTIFY TO THE DIVISION THAT THE PARK OWNER HAS NOTIFIED PARK RESIDENTS AS REQUIRED BY SUBSECTION (3)(c)(I) OF THIS SECTION, THE DIVISION MAY ISSUE AN ORDER REQUIRING THE PARK OWNER TO COMPLY WITH THE RESIDENT NOTICE CERTIFICATION REQUIREMENT.

SECTION 3. In Colorado Revised Statutes, 25-8-1003, **amend** (2)(b), (3) introductory portion, and (4) as follows:

25-8-1003. Remediation.

(2) Upon receiving the notice made under subsection (1)(b) of this

section, the park owner shall:

(b) Not impose the cost of compliance with this subsection (2) on park residents; EXCEPT THAT A PARK RESIDENT THAT IS ALSO A PARK OWNER MAY BEAR THE COST OF COMPLYING WITH THIS SUBSECTION (2).

(3) To address a water quality issue, the ~~department~~ DIVISION may issue an order requiring the park owner to:

(4) An order issued under subsection (3)(d) of this section becomes effective upon issuance to the park owner. ONLY WITH RESPECT TO ORDERS ISSUED UNDER SUBSECTION (3)(d) OF THIS SECTION, a park owner may file a request for a hearing, pursuant to section 24-4-105, on any issue raised by the order if THE REQUEST FOR A HEARING IS filed within twenty days after the order is mailed.

SECTION 4. In Colorado Revised Statutes, 25-8-1007, **amend** (1), (2), and (3)(a) as follows:

25-8-1007. Enforcement.

(1) The division has authority to test and require remediation of park finished water, regardless of the type of water source, AND ENFORCE THIS PART 10.

(2) The division shall, as necessary, ~~to address a park's water quality issues~~, issue a cease-and-desist order for a violation of this part 10 in accordance with section 25-8-605.

(3) (a) If a park owner fails to comply with A cease-and-desist order, create a remediation plan, implement a remediation plan, or respond to the division in connection with a remediation plan, the division may impose a civil penalty of up to ten thousand dollars. ~~plus~~ IN ADDITION TO THE CIVIL PENALTY OF UP TO TEN THOUSAND DOLLARS FOR EACH VIOLATION, THE DIVISION MAY IMPOSE an additional CIVIL PENALTY OF UP TO five thousand dollars for each ~~full calendar month after the first calendar month~~ THIRTY-DAY PERIOD for which the violation continues. ~~The division must impose a civil penalty in accordance with article 4 of title 24~~ A CIVIL PENALTY ISSUED UNDER THIS SUBSECTION (3) IS A FINAL AGENCY ACTION. THE PARK OWNER IS NOT ENTITLED TO AN ADMINISTRATIVE HEARING TO

CONTEST AN IMPOSED CIVIL PENALTY.

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to acts or omissions committed on or after the applicable effective date of this act.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO