SENATE COMMITTEE OF REFERENCE REPORT

_______________________________ May 2, 2022
Chair of Committee Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

HB22-1287 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

Amend reengrossed bill, page 13, line 18, strike "and 5" and substitute "(5), (6) introductory portion, (6)(c), and (6)(d)".

Page 14, after line 20 insert:

"(6) If a landlord fails to comply with the requirements of this section, a home owner of the park may file a complaint with the division of housing pursuant to the "Mobile Home Park Act Dispute Resolution and Enforcement Program" created in section 38-12-1104. ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, A RESIDENT WHO DOES NOT OWN A MOBILE HOME IN THE PARK, A LOCAL GOVERNMENT, OR A NONPROFIT MAY FILE SUCH A COMPLAINT. If the division finds by a written determination that the landlord has violated this section, the division may:

  (c) Require the landlord to reduce the rent owed by a home owner OR RESIDENT on a prorated basis to reflect the home owner's OR RESIDENT's loss of use of the mobile home space; or

  (d) Require the landlord to compensate a home owner OR RESIDENT for housing expenses on a per diem basis if the home owner OR RESIDENT is displaced from the home owner's mobile home as a result of the landlord's violation."

Page 26, line 24, strike "HOME OWNER" and substitute "RESIDENT".

Page 44, line 11, after the period add "ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, A RESIDENT WHO DOES NOT OWN A MOBILE HOME IN THE PARK, A LOCAL GOVERNMENT, OR A NONPROFIT MAY FILE SUCH A COMPLAINT.".
Page 44, line 19, after "owners" insert "AND RESIDENTS".

Page 44, line 27, strike "owners" and substitute "owners, MOBILE HOME PARK RESIDENTS, ".

Page 45, line 9, strike "(2)" and substitute "(2) (a)".

Page 45, after line 12 insert:

"(b) ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE DIVISION, "COMPLAINANT" ALSO INCLUDES A RESIDENT, LOCAL GOVERNMENT, OR NONPROFIT WHO HAS FILED A COMPLAINT ALLEGING A VIOLATION OF THE ACT, THIS PART 11, OR A RULE."

Page 45, line 27, after "owner" insert "AND RESIDENT".

Page 46, line 3, strike "home owners" and substitute "home owners".

Page 46, line 4, strike "landlords" and substitute "landlords, and home owners, AND RESIDENTS".

Page 46, line 21, after "(10)," insert "(12),".

Page 50, after line 6, insert:

"(12) This section does not provide an exclusive remedy and does not limit the right of landlords, or home owners, OR RESIDENTS to take legal action against another party as provided in the act or otherwise. Exhaustion of the administrative remedy provided in this section is not required before a landlord, or home owner, OR RESIDENT may bring a legal action."

Page 50, line 9, after "owner" insert "OR RESIDENT".

Page 50, line 10, after "OWNER" insert "OR RESIDENT".

Page 50, line 12, after "owner" insert "OR RESIDENT".

Page 51, line 1, before "(7)(d)" insert "(2)(d), (2)(e), (7) introductory portion," and before "(7)(f)" insert "(7)(a.5) and".

Page 51, strike line 3 and substitute "(2) The division shall send
registration notifications and information packets to all known landlords of unregistered mobile home parks. These information packets must include:

(d) Registration assessment information, including registration due dates and late fees, and the collections procedures, liens, and charging costs to home owners OR RESIDENTS; and

(e) A description of the protections afforded home owners AND RESIDENTS under section 38-12-1105 (13).

(7) The registration forms provided by the division must require".

Page 51, line 5, strike "state".

Page 51, strike line 6 and substitute "state. including, A REGISTRATION IS NOT COMPLETE UNLESS THE LANDLORD INCLUDES ALL OF THE INFORMATION REQUIRED BY THE FORMS PROVIDED BY THE DIVISION. THE FORMS MUST REQUIRE, at a minimum:

(a.5) (I) THE NAME AND MAILING ADDRESS OF THE LEGAL OWNER OF THE MOBILE HOME PARK AS RECORDED IN THE PROPERTY RECORDS OF THE COUNTY ASSESSOR FOR THE PROPERTY AND A COPY OF THE PROPERTY RECORD, PROPERTY REPORT, OR SIMILAR SUPPORTING DOCUMENTATION FROM THE COUNTY ASSESSOR'S WEBSITE.


Page 51, strike lines 21 and 22 and substitute "landlord's mobile home park. ON AND AFTER JULY 1, 2024, THE DIVISION MAY ADJUST THE FEE TO
COVER THE COSTS ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO
SECTION 38-12-1103 (2)(b), AND MAY BY RULE AUTHORIZE LANDLORDS
TO CHARGE A RESIDENT, AS DEFINED IN SECTION 38-12-201.5 (11), A
PORTION OF THE FEE. A landlord may NOT charge a home owner not
OR RESIDENT more than half of the fee. The registration fee for each
mobile home must”.

Page 52, line 3, strike "(3)" and substitute "(3) (a)".

Page 52, after line 8 insert:

"(b) IN FISCAL YEAR 2024-25 AND EACH FISCAL YEAR THEREAFTER,
THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL
FUND TO THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND
ENFORCEMENT PROGRAM FUND FOR USE BY THE DIVISION TO COVER COSTS
ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO SECTION 38-12-1103
(2)(b) THAT ARE NOT COVERED BY THE FEE AUTHORIZED IN SECTION
32-12-1106 (8).

SECTION 27. In Colorado Revised Statutes, 6-1-105, repeal
(kkk); and add (ooo) as follows:

6-1-105. Unfair or deceptive trade practices. (1) A person
engages in a deceptive trade practice when, in the course of the person's
business, vocation, or occupation, the person:

(kkk) Either knowingly or recklessly engages in any unfair;
unconscionable, deceptive, deliberately misleading, false, or fraudulent
act or practice;

(ooo) Either knowingly or recklessly engages in any
unfair, unconscionable, deceptive, deliberately misleading,
false, or fraudulent act or practice.”.

Renumber succeeding sections accordingly.

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