

# Mobile Home Park Oversight Program Annual Report



FISCAL YEAR 2020 – 2021



**COLORADO**  
Department of Local Affairs  
Division of Housing



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## Introduction

Pursuant to sections 38-12-1104(2)(g) and 38-12-1109, C.R.S., the Division of Housing (Division) presents this annual report on the Mobile Home Park Oversight Program (MHPOP or Program) to the House Transportation and Local Government Committee, the Senate Local Government Committee, and the Department of Regulatory Agencies (DORA). A copy of this report is published on the Division’s website: <https://cdola.colorado.gov/mobile-home-park-oversight>.

The Program began receiving complaints and performing dispute resolution activities pursuant to section 38-12-1105, C.R.S., on May 1, 2020. This inaugural annual report covers the first two months of the complaint program (May 1 - June 30, 2020) and state fiscal year 2020-2021 (July 1, 2020 - June 30, 2021), which the Division will collectively refer to as “FY 2020-21” throughout this report. After this report, each subsequent annual report will mirror one full fiscal year.





Pursuant to section 38-12-1109, C.R.S., the following information for FY 2020-21 is included in this report:

1. The number of constituents contacted by the Division about the Program;
2. The number of complaints received under the Program;
3. A brief summary of the nature of the complaints received by the Program;
4. The number of complaints resolved by the Program;
5. How the complaints under the Program were resolved;
6. The number of administrative appeals under the Program;
7. A summary of any relevant court decisions relating to the Program; and
8. A summary of results of an annual constituent survey conducted by an independent contractor.

The Division has also included the following information in this report, which is not required by statute but may be of interest to the public:

9. The number of mobile home parks registered with the Program;
10. The number of mobile home parks sold or up for sale in FY 2020-21; and
11. Updates on the Division's administration of and staffing for the Program.

## Constituents Contacted about the Program

The Division maintains a toll free phone number, an email address and Google Group, and a website for members of the public to ask questions and learn about the program.

- In FY 2020-21, the Division received and addressed approximately **742 phone calls** to the Program's toll-free phone number and staff phone lines.
- On June 30, 2021, the Division's Google Group for communicating with the public about the Program had **784 member email addresses**.<sup>1</sup>
- The Division's web pages on the Program had 20,290 Unique Pageviews in FY 2020-21.<sup>2</sup>

Division staff spoke at **13 events** in FY 2020-21 to educate stakeholders about and solicit public feedback on the Mobile Home Park Act (the Act, Part 2 of Article 12 of Title 38 of the Colorado Revised Statutes or C.R.S.) and Dispute Resolution and Enforcement Program (DREP, Part 11 of Article 12 of Title 38, C.R.S.). These events drew approximately **680 attendees**, and included a mix of mobile home owners, mobile home park owners and

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<sup>1</sup> In FY 2020-21, the Division used the Group to share information on: public meetings and trainings; proposed and finalized changes to state statute and Program regulations; park registration information and deadlines; the annual notice of home owner rights and responsibilities; and updates and resources related to the COVID-19 pandemic, including information on Executive Orders on housing and rental assistance programs for tenants and landlords.

<sup>2</sup> 3,005 Users visited the main landing page for the Program in the 2020 and 2020 calendar years (<https://cdola.colorado.gov/mobile-home-park-oversight>). This website data was collected using Google Analytics.



managers, attorneys, housing organizers, city and county officials, and state legislators.<sup>3</sup> Due to the COVID-19 pandemic, eleven of these events were held virtually and could be joined either by phone or computer. The events included presentations to the Colorado County Attorney Association, Colorado Legal Services Denver Housing Task Force, Colorado Poverty Law Project, Rocky Mountain Home Association, State Housing Board, and Thornton City Council, along with two virtual trainings, one an overview of the Act and DREP for local governments, and the other a step-by-step training on the complaint form and process.

The Division conducted one public rulemaking in FY 2020-21 to clarify and implement the Act and DREP. This rulemaking focused on the requirements in two new bills passed by the Colorado General Assembly during the 2020 legislative session: HB20-1196: Mobile Home Park Act Updates and HB20-1201: Mobile Home Park Residents Opportunity to Purchase. The Division conducted three virtual stakeholder meetings in August 2020, a rulemaking hearing on September 30, 2020, and received 58 public comments (written and verbal) on the proposed regulations.

## Number of Complaints Received

The Program received **221 complaints** between May 1, 2020, when the complaint and dispute resolution process opened, and June 30, 2021. Because the Division allows Complainants to submit more than one issue on a single complaint form, a single complaint often included several alleged violations of the Act or DREP. In FY 2020-21, Program staff identified about **546 alleged violations of the Act/DREP** on the complaint forms that were submitted.

In addition to receiving and investigating complaints, the Program opened **163 delinquent mobile home park registration cases**,<sup>4</sup> and **10 “home owner notice” cases**<sup>5</sup> involving the alleged failure of a landlord to post the required notice to home owners about the Act and Program in common areas of the park.

## Nature of Complaints Received

The vast majority of complaints submitted in FY 2020-21 were filed by resident home owners against their park owner or manager. While the complaint program is equally available to landlords and home owners, there are

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<sup>3</sup> The number of attendees is likely higher than the number of unique attendees, as several attendees participated in multiple Program meetings.

<sup>4</sup> Pursuant to section 38-12-1106(9), C.R.S., “A landlord who was sent an initial registration form and who missed the deadline for registration is subject to a delinquency fee of up to five thousand dollars. Landlords who receive registration renewal notifications and do not renew their registration by the expiration date as assigned by the division are also subject to a delinquency fee of up to five thousand dollars.”

<sup>5</sup> Section 38-12-1104(2)(a)-(b), C.R.S., requires the Division to create and distribute a notice summarizing home owner rights and responsibilities and how to file a complaint with the Division to landlords. Pursuant to section 38-12-1104(2)(c)-(d), C.R.S., the Division must “[e]nsure that landlords post the notice [ . . . ] in a clearly visible location in common areas of mobile home parks,” and “[e]nforce a penalty if the division discovers that the landlord has not appropriately posted the notice provided.”



factors that likely contribute to a much smaller number of complaints being filed by landlords. The main focus of the Mobile Home Park Act is establishing rights for home owners who live on land they are renting from someone else, rather than establishing rights for landlords.<sup>6</sup> Landlords also generally have more options for enforcing their rights outside of the Program than home owners, by establishing and enforcing rules and regulations for the community, assessing fees, or terminating a home owner’s tenancy.

To make the complaint process more accessible to people without an attorney, the Division allowed mobile home owners and landlords to select general areas of concern on their complaint form, rather than identifying a specific section(s) of the law to make a complaint.<sup>7</sup> After each complaint is filed, Program staff review the complaint narrative and any accompanying documents and identify the section(s) of the law that the Complainant is alleging the Respondent violated. The table on the next page includes the number and type of the most common alleged violations of the Act/DREP included in FY 2020-21 complaints.

**Table 1: Common Complaint Allegations**

Section of Law	Approx. No. of Alleged Violations <sup>8</sup>	Common Sub-issues or Allegations <sup>9</sup>	Approx. No. of Alleged Violations
Responsibilities of landlord - acts prohibited. <sup>10</sup>	162	Landlord’s responsibility to maintain trees in a manner that protects residents’ safety and property. <sup>11</sup>	35
		Landlord’s responsibility to maintain park-owned water, sewer, and utility lines. <sup>12</sup>	30
		Landlord’s responsibility to maintain park common areas and premises. <sup>13</sup>	26
		Landlord’s responsibility to post and maintain an emergency contact number for home owners. <sup>14</sup>	20

<sup>6</sup> The Act’s legislative declaration states: “The general assembly further finds and declares that, because of the unique aspects of mobile homes and mobile home park ownership, there is a need to protect mobile home owners from eviction with short notice so as to prevent mobile home owners from losing their shelter as well as any equity in their mobile homes.” C.R.S. § 38-12-201.3.

<sup>7</sup> 8 CCR 1302-15, Rule 3.9.

<sup>8</sup> The numbers in this table represent the Division’s best estimates as of the writing of this report of the numbers and types of alleged violations of the Act or DREP in complaints received by the Program.

<sup>9</sup> Only the most common subparagraphs or issues under each section of law have been included in the table. Therefore, the numbers in the fourth column of the table may not add up to the numbers in the second column.

<sup>10</sup> C.R.S. § 38-12-212.3.

<sup>11</sup> E.g. C.R.S. § 38-12-212.3(2)(b)(IV).

<sup>12</sup> E.g. C.R.S. § 38-12-212.3(1)(a)(II)-(III).

<sup>13</sup> E.g. C.R.S. § 38-12-212.3(1)(a)(I) and (2)(b)(I).

<sup>14</sup> E.g. C.R.S. § 38-12-212.3(5).





		Landlord’s responsibility to maintain roads, lot grades, and other pavement. <sup>15</sup>	18
Rental agreement - disclosure of terms in writing - prohibited provisions. <sup>16</sup>	75	Landlord allegedly required home owners to sign a new lease, improperly terminating their tenancy. <sup>17</sup>	27
		Rental agreement waives home owners’ rights. <sup>18</sup>	17
Required disclosure and notice of water usage and billing - responsibility for leaks. <sup>19</sup>	71	Monthly water bill missing required disclosure(s). <sup>20</sup>	34
		Annual water billing methodology disclosure not provided to home owners. <sup>21</sup>	22
Park Rules and regulations - amendments - notice - complaints. <sup>22</sup>	67	Rule or regulation does not meet the requirements in section 38-12-214(1), C.R.S., and cannot be enforced against the home owner.	51
Notices, actions, and reasons for terminating a tenancy. <sup>23</sup>	31	Unlawful reason for termination. <sup>24</sup>	13
Notice of change of use - notice of sale or closure of park - opportunity for home owners to purchase. <sup>25</sup>	28	Required notice of park sale or change of use not provided. <sup>26</sup>	12
		Landlord solicited signed writings from home owners declining the opportunity to purchase less than 30 days after providing a sale notice. <sup>27</sup>	8

<sup>15</sup> E.g. C.R.S. § 38-12-212.3(2)(b)(II)-(III).

<sup>16</sup> C.R.S. § 38-12-213.

<sup>17</sup> C.R.S. §§ 38-12-203 and 38-12-213(4)(a). See “Agency Guidance on Leases in Mobile Home Parks and Manufactured Housing Communities,” Colorado Division of Housing, April 1, 2020, <https://drive.google.com/file/d/1Aond4mjCGsSV1Dnd1eORJ5SGCNWLiKeD/view>.

<sup>18</sup> E.g. C.R.S. §§ 38-12-213(4)(b), (5).

<sup>19</sup> C.R.S. § 38-12-212.4.

<sup>20</sup> E.g. C.R.S. § 38-12-212.4(2).

<sup>21</sup> E.g. C.R.S. § 38-12-212.4(1).

<sup>22</sup> C.R.S. § 38-12-214.

<sup>23</sup> C.R.S. §§ 38-12-202 through 38-12-205.

<sup>24</sup> E.g. C.R.S. § 38-12-203.

<sup>25</sup> C.R.S. § 38-12-217.

<sup>26</sup> C.R.S. §§ 38-12-217(1)(a)-(b), (2). In addition to the 12 allegations the Division received through complaints, the Division is aware of 15 other mobile home parks that were up for sale or sold in FY 2020-21 where it appears the seller did not provide the required advance notice of the potential sale.

<sup>27</sup> C.R.S. §§ 38-12-217(1)(c)-(d).







Landlord allegedly did not provide 60 days’ written notice of a rent increase to the home owner. <sup>28</sup>	22
Landlord allegedly took retaliatory action against a home owner. <sup>29</sup>	18

## Number of Complaints Resolved

The Program **resolved 49 complaints and 77 alleged violations** of the Act or DREP filed in FY 2020-21.<sup>30</sup> As noted above, a single complaint often involved several alleged violations of the law (ex. emergency number for the management not posted, failure to properly maintain trees), which may or may not be related to each other, and could be investigated or resolved separately. The Program also **resolved 154 delinquent registration cases** and **five “home owner notice” cases**.

## How Complaints Were Resolved

Among the 49 resolved complaints from FY 2020-21:

- **21 were resolved by the parties** with the help of the Program;
- The Division issued **one written determination and Notice of Non-violation**;
- 10 complaints were withdrawn by the Complainant<sup>31</sup>; and
- The Division **closed 17 complaints** that were not within the Program’s jurisdiction.<sup>32</sup>

Among the 77 resolved violations:

- **50 alleged violations were resolved by the Program communicating with the parties** about the requirements in the Act/DREP and the parties communicating with each other;
- The Division **resolved two violations through a written determination and Notice of Violation**;
- 17 alleged violations were withdrawn by the Complainant; and

<sup>28</sup> C.R.S. § 38-12-204(2).

<sup>29</sup> C.R.S. §§ 38-12-201.5(12), 38-12-212.5, and 38-12-1105(13).

<sup>30</sup> The 72 resolved allegations come from both resolved and unresolved complaints. In some complaints, the Division was able to resolve certain alleged violations more quickly, while other alleged violations in that complaint remained open and required further investigation or negotiation with the parties.

<sup>31</sup> Complaint withdrawals were largely due to the parties resolving the issue(s) outside of the Program.

<sup>32</sup> When the Division did not have jurisdiction over a complaint, Program staff provided the Complainant with information on outside legal and other resources to help them with the issue(s) in their complaints. As of the writing of this report, the Division has jurisdiction over complaints filed by mobile home owners and mobile home park landlords alleging a violation(s) of the Mobile Home Park Act or Dispute Resolution and Enforcement Program. The Division does not have jurisdiction over complaints filed by: individuals renting a mobile home; structures or vehicles that are not considered mobile homes under state law (e.x. park models, fifth-wheel trailers); communities with less than five occupied mobile homes (due to the statutory definition of a “mobile home park”); or issues that are outside of the Act and DREP.





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- The Division closed 8 alleged violations due to lack of jurisdiction or lack of support for the allegation.

In FY 2020-21, the Program helped **prevent nine forcible entry and detainer (FED or eviction) hearings** by working with resident home owners and landlords to reach alternative solutions, including withdrawing improper Notices to Quit, submitting outstanding rent payments, and negotiating additional time for a resident to move.

## Number of Administrative Appeals

There were no appeals to the Office of Administrative Courts in FY 2020-21 of a written determination and notice of violation or non-violation issued by the Program.

## Court Decisions

In May 2021, the Jackson County District Court entered an order in a judicial complaint filed against the Department of Local Affairs, Division of Housing. The complaint was filed in February 2020 by two property owners (Plaintiffs) who disagreed with the Program's finding that their property is a "mobile home park" – and therefore subject to the legal requirements in the Act and DREP – and not a "mobile home subdivision," which is excluded from the Act/DREP.<sup>33</sup> Plaintiffs also sought judicial review of the Division's promulgation of rules related to the Program in the winter/spring of 2020, during which the Division clarified the statutory term "mobile home subdivision."

The District Court order included the following findings:

- The Division did not act arbitrarily or capriciously or in excess of its authority in determining that Plaintiffs' interests in the property in question constituted a parcel of land.
- The Division acted arbitrarily and capriciously in determining that Plaintiffs' property fell within the definition of a "mobile home park" and that Plaintiffs were required to register, because there were no definitional standards for what constitutes a "mobile home subdivision" in the Act.
- The rule defining "mobile home subdivision" adopted by the Division on March 11, 2020 is invalid based on not having solicited enough stakeholder input. (Note that the Division has conducted two more public rule-makings on the Program since March 2020, during which the Division received verbal and written comments on the definition of a "mobile home subdivision.")

Both parties have appealed the District Court order to the Colorado Court of Appeals, and the case remains ongoing.

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<sup>33</sup> See C.R.S. § 38-12-201.5(6).







## Annual Constituent Survey

This section summarizes the results of the Program’s annual constituent survey for FY 2020-21, conducted by an independent contractor. In March 2021, the Program issued a Request for Documented Quotations (DQ) to identify an independent contractor to develop and conduct the survey, and prepare an analysis of the survey results. The Program selected Probolsky Research, a market and opinion research firm with corporate, election, government, and non-profit clients throughout the U.S., to conduct the survey. Additional information on the survey contractor can be found at <https://www.probolskyresearch.com/>.

### Methodology

From May 28 to June 6, 2021, Probolsky Research conducted a telephone and online survey among State of Colorado Mobile Home Park residents, managers, and stakeholders for the 2021 Annual Constituent Survey. Probolsky Research developed a representative sample of respondents from consumer and the Program’s databases. Probolsky Research applied a stratified random sampling methodology to ensure that the demographic proportions of survey respondents match the demographic composition of the Colorado Mobile Home Park community.

The survey included 687 interviews and they were conducted with respondents by telephone and online. Telephone respondents include landlines (34%) and mobiles (66%). Online respondents were invited by text message (46%) and email (54%). Respondents chose their preferred language, English (97%) or Spanish (3%). Online respondents were able to use their computer, tablet or smart phone to participate. Probolsky Research’s survey interface is ADA compliant in order to accommodate participants with disabilities and make sure their experience is as interactive as other participants. Security measures precluded individuals from completing the survey more than once.

### Respondents

Constituent Group	Respondents (# and %)
Resident – Mobile home owner renting lot space	500 (72.8%)
Resident – Renting a mobile home	20 (2.9%)
Landlord – Mobile home park owner	82 (11.9%)
Landlord – Mobile home park manager	18 (2.6%)





Local government official	50 (7.3%)
Non-profit or other stakeholder group member	15 (2.2%)
Other	2 (0.3%)

Based on the survey, the self-identified ethnic make-up of **mobile home owners** renting lot space in mobile home parks in Colorado is a majority White/Caucasian (73%) with the next largest group identifying themselves as Latino/Hispanic (10%). Individuals who identify with two or more races/ethnicities represent 6% of home owners. Individuals identifying as Black/African American, Asian, Native American or Alaska Native, and Other represent 1% each. A majority of home owners are female (56%).

Among the 500 home owners renting lot space who responded to the survey, 4% chose to respond in Spanish and 22% identified as having a disability. Respondents age 62 and older represented the largest age group among home owners (43%). Home owners ages 40-49 and ages 55-61 each represent 15% of home owner respondents. Most home owner respondents have a household income between \$20,000 to \$49,999 annually. A majority pay \$400 to \$599 a month for lot rent. The typical respondent household size is 1-2 people.

The ethnic make-up of mobile home **park owners** who responded to the survey is a majority White/Caucasian (61%) with the next largest group identifying themselves as two or more races (5%). Individuals identifying as Latino/Hispanic (2%) and Asian (1%) represented small groups. A plurality (45%) of owners are male, and a majority of park owners age 62 and older.

The ethnic make-up of **park managers** who responded to the survey is a majority White/Caucasian (78%) with the next largest groups identifying themselves as two or more races (6%) or other (6%). A majority (50%) of managers are male. MHP managers are evenly distributed across age groups.

## Results

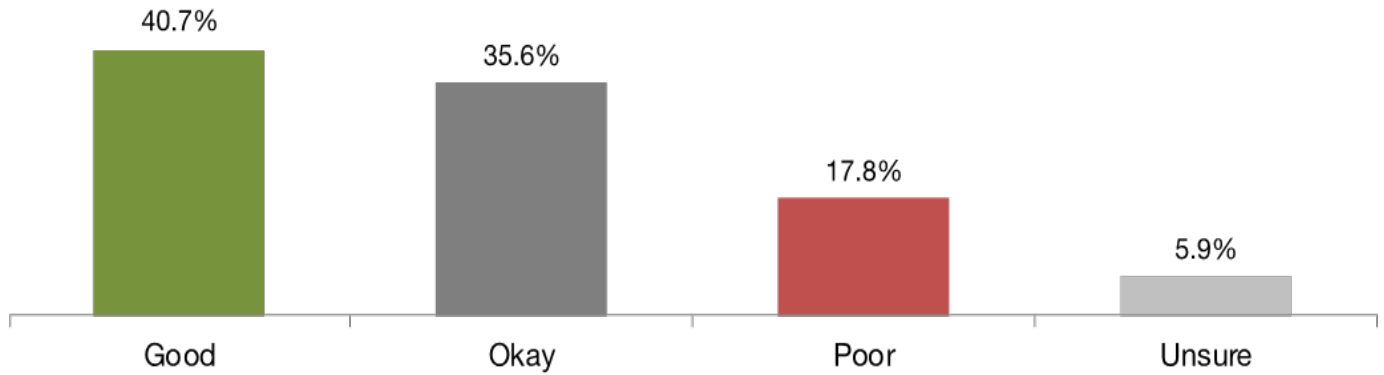
Respondents were surveyed on two areas: their knowledge of and experience with the Mobile Home Park Oversight Program, and their general experience as a resident, owner, or manager of a Colorado mobile home park.

A large majority of respondents from all constituent groups who contacted the Division said that their experience with the Program was positive. Respondents who had a positive experience cited the Program staff's responsiveness, helpfulness, and knowledge as the top reasons that they had a good experience.



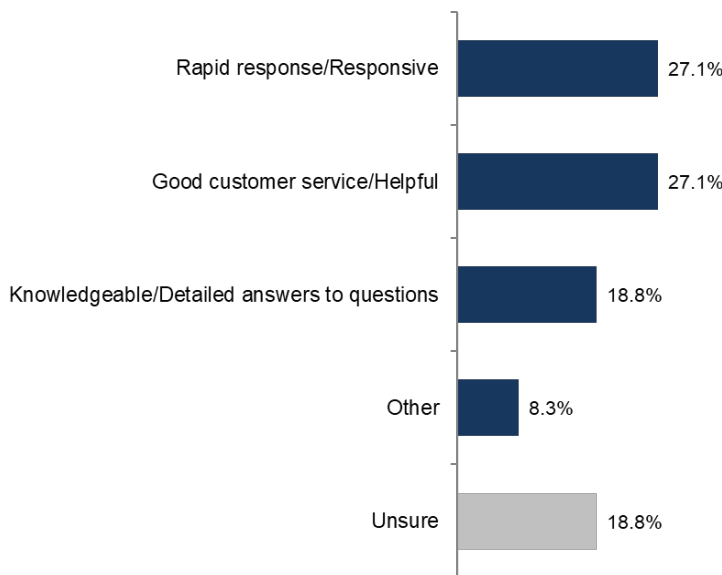
**Question: How was your experience when you contacted Colorado's Mobile Home Park Oversight Program?**

Among all respondents:



**Question: Why would you describe your experience contacting the Mobile Home Park Oversight Program as good?**

Among all respondents who contacted the program and said their experience was "Good":

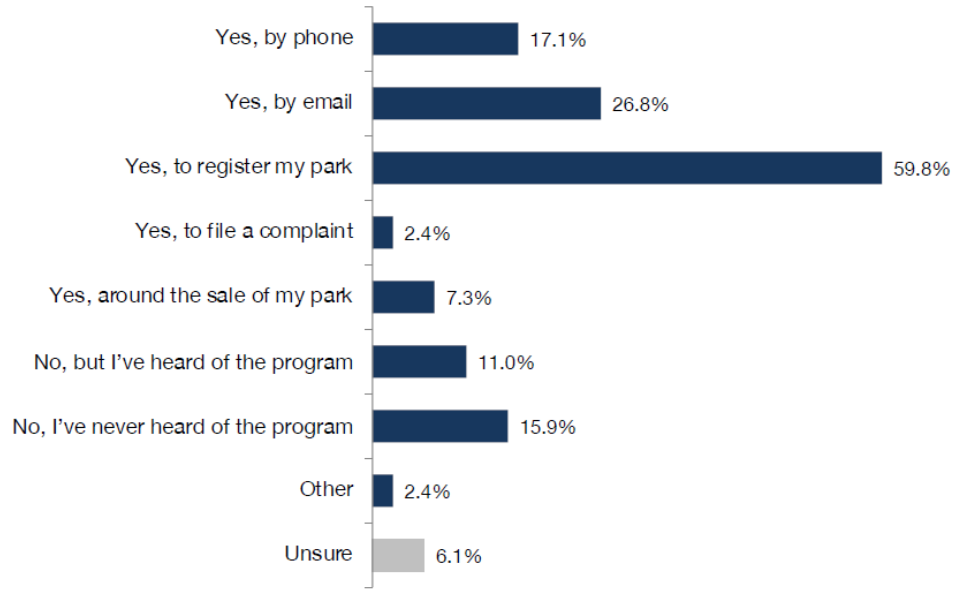




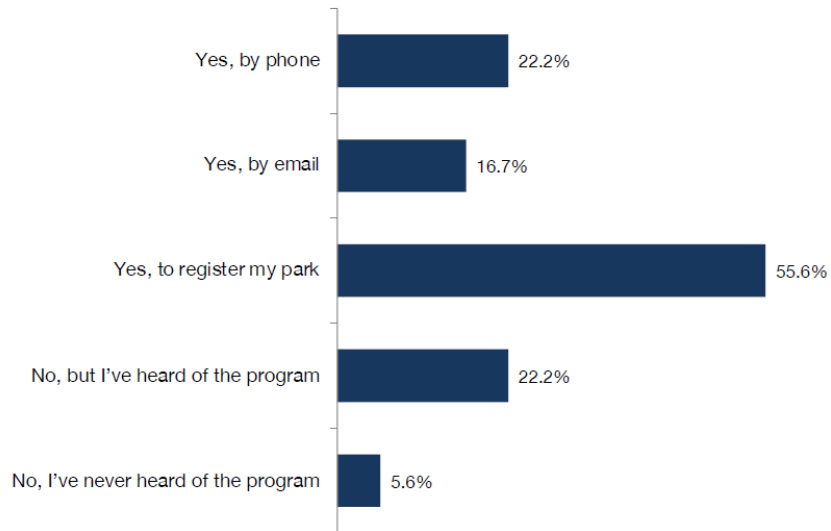
Landlords were most aware of the Program, and the group with the least awareness of the Program were mobile home owners renting lot space. Unfortunately, the majority of home owners surveyed (72.6%) had not heard of the Program.<sup>34</sup>

**Question: Have you ever contacted Colorado’s Mobile Home Park Oversight Program?**

Among park owners:



Among park managers:

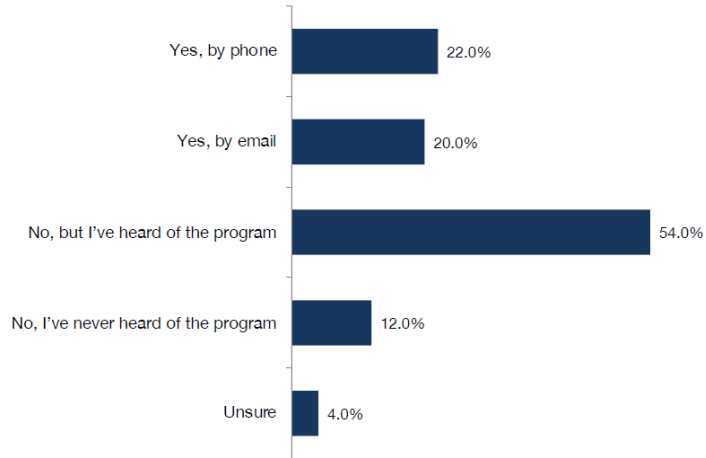


<sup>34</sup> During the Division’s first round of stakeholder meetings and public rulemaking on the Program in the fall of 2019, the Division proposed asking landlords to provide residents’ mailing addresses as part of annual park registration, so the Division could share information with residents directly. Both landlords and residents expressed that they did not want the Division requesting resident names or contact information, and the proposed rule was not adopted.

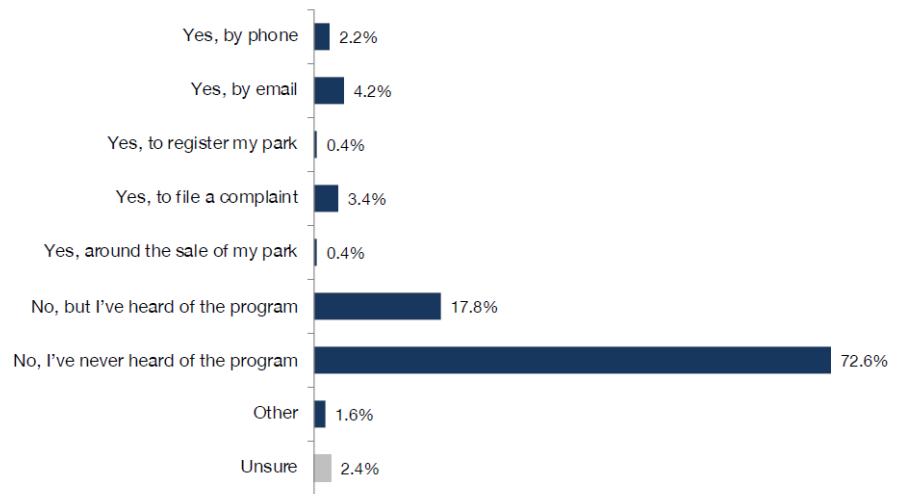




Among local government and stakeholders:



Among mobile home owners:



One of the main ways that House Bill 2019-1309 anticipated home owners would learn about the Mobile Home Park Oversight Program is through landlords posting a required notice, describing home owners’ rights and responsibilities, how to file a complaint, and how to contact the Program, in every common area of the mobile home park. The Division further clarified and implemented this section of statute through public rulemaking, requiring landlords to share copies of the required notice with home owners annually. Unfortunately, the survey found a majority (62%) of home owners were unsure if both pages of the 2021 Home Owner Notice is posted in all common areas of their mobile home park.

A large majority of both mobile home owners (87%) and landlords (87%) say they have written rental agreements for their tenancy. Home owners who do not have a written rental agreement say it is mainly due to never being asked to sign one.





The biggest area of concern for home owners is the upkeep of roads and other pavement throughout the park, especially with regard to snow removal. Home owners said there is a need for improvements in the cleanliness of their parks, and highlighted a need for wheelchair access and ramps for residents with disabilities.

Mobile home park landlord's top areas of concern are the cleanliness of mobile homes and home owners following the rules and regulations of the park. Some landlords say it is difficult to get residents to maintain their lot.

## 2021 Park Registrations and Renewals

As of June 30, 2021, there were **718 mobile home parks registered** with the Division. Across all registered parks, there were a total of:

- 57,123 lots;
- 46,661 mobile homes owned and occupied by resident home owners;
- 5,066 occupied mobile homes, owned and rented out by the landlord;
- 2,351 vacant lots; and
- 742 vacant mobile homes.

Members of the public can look up the names, addresses, and landlord contacts (names only) for registered mobile home parks using the **Park Search Tool** available on the Division's website: <https://socgov17-site.secure.force.com/ParkSearch/> (to see a list of all registered parks, leave the search fields blank and click "Search"). A list containing the number of lots and homes in each registered park is available on the Resources page of the Program's website: <https://cdola.colorado.gov/mobile-home-park-resources>.

In 2020, it took Program staff and contractors seven months to process the majority of initial registration applications; in 2021, the processing time for the majority of registrations and renewals was reduced to four months. Several changes contributed to this decrease in the processing time for park registration in registration year 2021:

- The Program became fully staffed with 4.3 full-time employees in December 2020.
- The Division and the Office of Information Technology devoted significant time and effort to improving the online registration system.
- The Division made several improvements to the 2021 Registration/Renewal form and process based on lessons learned from the first year of registration.<sup>35</sup>

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<sup>35</sup> These improvements are discussed in more detail in the December 2020 Mobile Home Park Oversight Program Update, available at <https://drive.google.com/file/d/1XUWKbLcl8qUcONlwEGuqXclsjkbBDL6H/view>.





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- The number of landlords who submitted their registrations on paper (instead of online) decreased by more than half - from over 500 paper registrations in 2020, to 243 paper registrations in 2021. Program staff and contractors have to manually enter paper registration forms and payments into the Program's online database; receiving registrations online speeds up the processing time.

Unfortunately, the Division did receive **157 delinquent registrations** in FY 2020-21:

- 71 landlords did not submit their park's annual registration on time; and
- 86 registrations were late as a result of the registration form or payment being incomplete.<sup>36</sup>

### Potential Unregistered Parks

In FY 2020-21, the Program was able to remove 21 properties from the Program's list of potentially unregistered mobile home parks. After communications from the Program, the owners of these properties either registered the park with the Division, or confirmed that the property was not required to register under Colorado law. The Program continues to research ownership and contact information for potentially unregistered parks, communicate with local governments and other state agencies, and assess penalties and record liens against unregistered parks, as appropriate, to ensure all mobile home parks are registered with the Division.<sup>37</sup>

### Mobile Home Park Sales

In 2020, the Colorado General Assembly passed House Bill 20-1201: Mobile Home Park Residents Opportunity to Purchase, which went into effect on June 30, 2020. With certain exceptions,<sup>38</sup> the law requires that mobile home park owners intending to sell their park:

- Provide timely notice to home owners, the municipality or county where the park is located, any homeowners association, and the Division when the park owner:
  - Has the intent to sell the park;<sup>39</sup>
  - Lists the park for sale;<sup>40</sup> or

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<sup>36</sup> Pursuant to 8 CCR 1302-15, Rule 2.3 (effective November 30, 2020), the Division does not accept incomplete registration or registration renewal forms or payments, and may consider incomplete or inaccurate registrations delinquent.

<sup>37</sup> In July and August 2021 (after the last fiscal year), Program staff and contractors conducted an additional push to contact owners of potential unregistered mobile home parks, and reduced the list of potentially unregistered parks by another 35 properties (through registration or confirmation that the property is not required to register). At the time of writing this report, there are about 75 remaining properties that need to return communications from the Division and may need to register with the Program.

<sup>38</sup> C.R.S. § 38-12-217(12).

<sup>39</sup> C.R.S. § 38-12-217(1)(a).

<sup>40</sup> C.R.S. § 38-12-217(2)(a)(I). Pursuant to 8 CCR 1302-15, Rule 8.1, a park is considered listed for sale when the landlord or their agent offers the property for sale (not, for example, when a brokerage agreement is signed).





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- Intends to make a final, unconditional acceptance of an offer for the sale or transfer of the park.<sup>41</sup>
- After each notice, give home owners a 90-day opportunity to make an offer to purchase a park;<sup>42</sup>
- Negotiate in good faith with any group or association of home owners who submits an offer to buy the park;<sup>43</sup> and
- If a group or association of home owners are not the successful buyer of the park, submit an affidavit form to the Division and the municipality/county, to demonstrate the landlord's compliance with HB20-1201 (now C.R.C. § 38-12-217).<sup>44</sup>

Between June 30, 2020 (effective date of HB20-1201) and June 30, 2021:

1. **Two home owner cooperatives** successfully purchased their mobile home park;
2. Park owners **sold 41 parks** to buyers other than a group or association of home owners; and
3. The Division was **notified of 22 additional parks** that park owners were offering for sale, but had not yet sold by June 30, 2021.

The Division maintains a list of potential and completed mobile home park sales on the Program website: <https://cdola.colorado.gov/mobile-home-park-resources>. Home owners may submit a complaint to the Division if they do not receive the appropriate sale notice(s), or believe they have not been given a fair opportunity to purchase their mobile home park.

### Program Administration and Staffing

The fiscal note for House Bill 19-1309 (creating MHPOP) allowed the Division to hire two staff in the first fiscal year of the Program (FY 2019-20), and two additional staff in the second fiscal year of the Program (FY 2020-21). In the fall of 2020, the Division filled the two remaining staff positions for the Program. In addition, the Division brought on two temporary workers to help with the workloads associated with complaints and park registrations.

The Division began requesting permission to hire two additional staff for the Program to focus on park registrations and mobile home park sales in the winter/spring of 2021. At the time of writing the original fiscal note for HB19-1309 in April 2019, Division data suggested that there would be about 34,320 owner-occupied mobile homes and 878 open parks throughout the state. Instead, there turned out to be 46,661 owner-occupied mobile homes (i.e. potential customers of the complaint program), 36 percent higher than originally estimated.

<sup>41</sup> C.R.S. § 38-12-217(2)(a)(II).

<sup>42</sup> C.R.S. § 38-12-217(4).

<sup>43</sup> C.R.S. § 38-12-217(5).

<sup>44</sup> C.R.S. § 38-12-217(11). The Division created a standard Park Sale Affidavit, available on the Program's website:

[https://drive.google.com/file/d/1Hzcui1UGgxcbf4vx\\_DcN38PXoMPV00IK/view](https://drive.google.com/file/d/1Hzcui1UGgxcbf4vx_DcN38PXoMPV00IK/view).





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Division of Housing

The Division has also learned that annual park registration takes more time and effort than initially anticipated. In the first two registration years, Program staff have needed to correct 130 to 160 delinquent registrations each year. A similar mobile home park dispute resolution program in Washington state has four FTE that work on complaints only, while a different state agency handles registrations. Colorado's program staff are also responsible for drafting, sending, and enforcing written determinations, notices of violation, and penalty assessments, tasks which are handled by a separate attorney for Washington's program.

The Division will be hiring the two additional Program staff in early 2022 to handle the demands of annual park registration and related enforcement while current staff focus their efforts on improving complaint processing times. The demand for the Program suggests the Division may need additional staff beyond these two. The Division is working to identify, justify, and support any new FTE necessary to maintain a successful regulatory program as envisioned by the legislator, including personnel to better address the unanticipated number of mobile home park sales and concerns related to the home owner opportunity to purchase law.

