

## CHAPTER 141

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**PROPERTY**

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**HOUSE BILL 96-1053**

BY REPRESENTATIVES Nichol, Allen, Chlouber, Mace, Schwarz, and Snyder;  
also SENATORS Johnson, Weddig, and Weissmann.

**AN ACT****CONCERNING A RIGHT TO CURE MOBILE HOME PARK HOMESITE VIOLATIONS.**

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

**SECTION 1.** 13-40-110 (2), Colorado Revised Statutes, 1987 Repl. Vol., is amended to read:

**13-40-110. Action - how commenced.** (2) In an action for termination of a tenancy in a mobile home park, the complaint, in addition to the requirements of subsection (1) of this section, shall specify the particular reasons for termination as such reasons are stated in section 38-12-203, C.R.S. Such complaint shall specify the approximate time, place, and manner in which the tenant allegedly committed the acts giving rise to the complaint. IF THE ACTION IS BASED ON THE MOBILE HOME OR MOBILE HOME LOT BEING OUT OF COMPLIANCE WITH THE RULES AND REGULATIONS ADOPTED PURSUANT TO SECTION 38-12-203 (1) (c), C.R.S., THE COMPLAINT SHALL SPECIFY THAT THE HOME OWNER WAS GIVEN THIRTY DAYS FROM THE DATE OF SERVICE OR POSTING OF THE NOTICE TO QUIT TO CURE THE NONCOMPLIANCE AND THAT THIRTY DAYS HAVE PASSED AND THE NONCOMPLIANCE HAS NOT BEEN CURED.

**SECTION 2.** 38-12-202 (2), Colorado Revised Statutes, 1982 Repl. Vol., is amended to read:

**38-12-202. Tenancy - notice to quit.** (2) The landlord or management of a mobile home park shall specify, in the notice required by this section, the reason for the termination of any tenancy in such mobile home park. IF THE TENANCY IS BEING TERMINATED BASED ON THE MOBILE HOME OR MOBILE HOME LOT BEING OUT OF COMPLIANCE WITH THE RULES AND REGULATIONS ADOPTED PURSUANT TO SECTION 38-12-203 (1) (c), C.R.S., THE NOTICE REQUIRED BY THIS SECTION SHALL INCLUDE

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

A STATEMENT ADVISING THE HOME OWNER THAT THE HOME OWNER HAS A RIGHT TO CURE THE NONCOMPLIANCE WITHIN THIRTY DAYS OF THE DATE OF SERVICE OR POSTING OF THE NOTICE TO QUIT. THE THIRTY DAY PERIOD TO CURE ANY NONCOMPLIANCE SET FORTH IN THIS SUBSECTION (2) SHALL RUN CONCURRENTLY WITH THE THIRTY DAY PERIOD TO REMOVE A MOBILE HOME FROM THE PREMISES AS SET FORTH IN PARAGRAPHS (c) AND (d) OF SUBSECTION (1) OF THIS SECTION. ACCEPTANCE OF RENT BY THE LANDLORD OR MANAGEMENT OF A MOBILE HOME PARK DURING THE THIRTY DAY RIGHT TO CURE PERIOD SET FORTH IN SECTION 38-12-203 (1) (c) SHALL NOT CONSTITUTE A WAIVER OF THE LANDLORD'S RIGHT TO TERMINATE THE TENANCY FOR ANY NONCOMPLIANCE SET FORTH IN SECTION 38-12-203 (1) (c).

**SECTION 3.** The introductory portion to 38-12-203 (1), and 38-12-203 (1) (a), (1) (c), and (2), Colorado Revised Statutes, 1982 Repl. Vol., as amended, are amended to read:

**38-12-203. Reasons for termination.** (1) ~~After July 1, 1973,~~ A tenancy shall be terminated pursuant to this part 2 only for one or more of the following reasons:

(a) Failure of the home owner to comply with local ordinances and state laws and regulations relating to mobile homes AND MOBILE HOME LOTS;

(c) Failure of the home owner to comply with written rules and regulations of the mobile home park either established by the management in the rental agreement at the inception of the tenancy, amended subsequently thereto with the consent of the home owner, or amended subsequently thereto without the consent of the home owner on sixty days' written notice if the amended rules and regulations are reasonable; ~~except when local ordinances and state laws and regulations or emergency situations require immediate compliance.~~ EXCEPT THAT THE HOME OWNER SHALL HAVE THIRTY DAYS FROM THE DATE OF SERVICE OR POSTING OF THE NOTICE TO QUIT SET FORTH IN SECTION 38-12-202 (2) TO CURE ANY NONCOMPLIANCE ON THE MOBILE HOME OR MOBILE HOME LOT BEFORE AN ACTION FOR TERMINATION MAY BE COMMENCED, EXCEPT IF LOCAL ORDINANCES, STATE LAWS AND REGULATIONS, PARK RULES AND REGULATIONS, OR EMERGENCY, HEALTH, OR SAFETY SITUATIONS REQUIRE IMMEDIATE COMPLIANCE. IF A HOMEOWNER WAS IN VIOLATION OR NONCOMPLIANCE PURSUANT TO THIS PARAGRAPH (c) AND WAS GIVEN NOTICE AND A RIGHT TO CURE SUCH NONCOMPLIANCE AND WITHIN A TWELVE MONTH PERIOD FROM THE DATE OF SERVICE OF THE NOTICE IS IN NONCOMPLIANCE OF THE SAME RULE OR REGULATION AND IS GIVEN NOTICE OF THE SECOND NONCOMPLIANCE, THERE SHALL BE NO RIGHT TO CURE THE SECOND NONCOMPLIANCE. ~~However,~~ Regulations applicable to recreational facilities may be amended at the discretion of the management. For purposes of this paragraph (c), when the mobile home is owned by a person other than the owner of the mobile home park, the mobile home is a separate unit of ownership, and regulations which are adopted subsequent to the unit location in the park without the consent of the home owner and which place restrictions or requirements on that separate unit are prima facie unreasonable. Nothing in this paragraph (c) shall prohibit a mobile home park owner from requiring compliance with current park unit regulations at the time of sale or transfer of the mobile home to a new owner. Transfer under this paragraph (c) shall not include transfer to a coowner pursuant to death or divorce or to a new coowner pursuant to marriage.

(2) In an action pursuant to this part 2, the landlord shall have the burden of

proving that ~~he~~ THE LANDLORD complied with the relevant notice requirements and that ~~he~~ THE LANDLORD provided the home owner with a statement of reasons for the termination. IN ADDITION TO ANY OTHER DEFENSES A HOME OWNER MAY HAVE, it shall be ~~an affirmative~~ A defense that the landlord's allegations are false or that the reasons for termination are invalid.

**SECTION 4. Effective date.** This act shall take effect July 1, 1996.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 2, 1996