

CHAPTER 43

PROPERTY

HOUSE BILL 00-1218

BY REPRESENTATIVES Saliman, Smith, Tochtrop, Coleman, Gagliardi, Gordon, Leyba, Mace, Plant, Ragsdale, Sinclair, Tate, Tupa, Veiga, Vigil, and Zimmerman;
also SENATORS Reeves, Hernandez, Nichol, and Rupert.

AN ACT

CONCERNING A REQUIREMENT THAT NOTICE OF CERTAIN PROVISIONS OF THE "MOBILE HOME PARK ACT" BE PROVIDED TO A MOBILE HOME OWNER WHOSE TENANCY IS BEING TERMINATED.

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

SECTION 1. Part 2 of article 12 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-12-204.3. Notice required for termination. (1) WHERE THE TENANCY OF A MOBILE HOME OWNER IS BEING TERMINATED UNDER SECTION 38-12-202 OR SECTION 38-12-204, THE LANDLORD OR MOBILE HOME PARK OWNER SHALL PROVIDE SUCH MOBILE HOME OWNER WITH WRITTEN NOTICE AS PROVIDED FOR IN SUBSECTION (2) OF THIS SECTION. SERVICE OF SUCH NOTICE SHALL OCCUR AT THE SAME TIME AND IN THE SAME MANNER AS SERVICE OF:

- (a) THE NOTICE TO QUIT AS PROVIDED IN SECTION 38-12-202 (1); OR
- (b) THE NOTICE OF NONPAYMENT OF RENT AS PROVIDED IN SECTION 38-12-204 (1).

(2) THE NOTICE REQUIRED UNDER THIS SECTION SHALL BE IN AT LEAST TEN-POINT TYPE AND SHALL READ AS FOLLOWS:

"IMPORTANT NOTICE TO THE HOME OWNER:

THIS NOTICE AND THE ACCOMPANYING NOTICE TO QUIT/NOTICE OF NONPAYMENT OF RENT ARE THE FIRST STEPS IN THE EVICTION PROCESS. ANY DISPUTE YOU MAY HAVE REGARDING THE GROUNDS FOR EVICTION SHOULD BE ADDRESSED WITH YOUR LANDLORD OR THE MANAGEMENT OF THE MOBILE HOME PARK OR IN THE COURTS IF

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

AN EVICTION ACTION IS FILED. PLEASE BE ADVISED THAT THE "MOBILE HOME PARK ACT", PART 2 OF ARTICLE 12 OF TITLE 38, COLORADO REVISED STATUTES, MAY PROVIDE YOU WITH LEGAL PROTECTION:

NOTICE TO QUIT: THE LANDLORD OR MANAGEMENT OF A MOBILE HOME PARK MUST SERVE TO A HOME OWNER A NOTICE TO QUIT IN ORDER TO TERMINATE A HOME OWNER'S TENANCY. THE NOTICE MUST BE IN WRITING AND MUST CONTAIN CERTAIN INFORMATION, INCLUDING:

- THE GROUNDS FOR THE TERMINATION OF THE TENANCY; AND
- WHETHER OR NOT THE HOME OWNER HAS A RIGHT TO CURE UNDER THE "MOBILE HOME PARK ACT".

NOTICE OF NONPAYMENT OF RENT: THE LANDLORD OR MANAGEMENT OF A MOBILE HOME PARK MUST SERVE TO A HOME OWNER A NOTICE OF NONPAYMENT OF RENT IN ORDER TO TERMINATE A HOME OWNER'S TENANCY. THE NOTICE MUST BE IN WRITING AND MUST REQUIRE THAT THE HOME OWNER EITHER MAKE PAYMENT OF RENT AND ANY APPLICABLE FEES DUE AND OWING OR REMOVE THE OWNER'S UNIT FROM THE PREMISES, WITHIN A PERIOD OF NOT LESS THAN FIVE DAYS AFTER THE DATE THE NOTICE IS SERVED OR POSTED, FOR FAILURE TO PAY RENT WHEN DUE.

CURE PERIODS: IF THE HOME OWNER HAS A RIGHT TO CURE UNDER THE "MOBILE HOME PARK ACT", THE LANDLORD OR MANAGEMENT OF A MOBILE HOME PARK CANNOT TERMINATE A HOME OWNER'S TENANCY WITHOUT FIRST PROVIDING THE HOME OWNER WITH A TIME PERIOD TO CURE THE NONCOMPLIANCE. "CURE" REFERS TO A HOME OWNER REMEDYING, FIXING, OR OTHERWISE CORRECTING THE SITUATION OR PROBLEM THAT CAUSED THE TENANCY TO BE TERMINATED PURSUANT TO SECTIONS 38-12-202, 38-12-203, AND 38-12-204, COLORADO REVISED STATUTES.

COMMENCEMENT OF LEGAL ACTION TO TERMINATE THE TENANCY: AFTER THE LAST DAY OF THE NOTICE PERIOD, A LEGAL ACTION MAY BE COMMENCED TO TAKE POSSESSION OF THE SPACE LEASED BY THE HOME OWNER. IN ORDER TO EVICT A HOME OWNER, THE LANDLORD OR MANAGEMENT OF THE MOBILE HOME PARK MUST PROVE:

- THE LANDLORD OR MANAGEMENT COMPLIED WITH THE NOTICE REQUIREMENTS OF THE "MOBILE HOME PARK ACT";
- THE LANDLORD OR MANAGEMENT PROVIDED THE HOME OWNER WITH A STATEMENT OF REASONS FOR TERMINATION OF THE TENANCY; AND

- THE REASONS FOR TERMINATION OF THE TENANCY ARE TRUE AND VALID UNDER THE "MOBILE HOME PARK ACT".

A HOME OWNER MUST APPEAR IN COURT TO DEFEND AGAINST AN EVICTION ACTION. IF THE COURT RULES IN FAVOR OF THE LANDLORD OR MANAGEMENT OF THE MOBILE HOME PARK, THE HOME OWNER WILL HAVE NOT LESS THAN 48 HOURS FROM THE TIME OF THE RULING TO REMOVE THE MOBILE HOME AND TO VACATE THE PREMISES."

SECTION 2. Repeal. 38-12-202 (3), Colorado Revised Statutes, is repealed as follows:

38-12-202. Tenancy - notice to quit. (3) (a) ~~The landlord or management of a mobile home park shall provide a home owner whose tenancy is being terminated with written notice as provided for in paragraph (b) of this subsection (3). Service of such notice shall occur at the same time and in the same manner as service of the notice to quit as provided in subsection (1) of this section:~~

~~(b) The notice required under this subsection (3) shall be in at least ten-point type and shall read as follows:~~

~~"IMPORTANT NOTICE TO THE HOME OWNER:~~

~~This notice and the accompanying notice to quit are the first steps in the eviction process. Any dispute you may have regarding the grounds for eviction should be addressed with your landlord or the management of the mobile home park or in the courts if an eviction action is filed. Please be advised that the "Mobile Home Park Act", sections 38-12-200.1 to 38-12-217, Colorado Revised Statutes, may provide you with legal protection:~~

~~NOTICE TO QUIT: The landlord or management of a mobile home park must serve to a home owner a notice to quit in order to terminate a home owner's tenancy. The notice must be in writing and must contain certain information, including:~~

- ~~The grounds for the termination of the tenancy; and~~
- ~~Whether or not the home owner has a right to cure under the "Mobile Home Park Act".~~

~~CURE PERIODS: If the home owner has a right to cure under the "Mobile Home Park Act", the landlord or management of a mobile home park cannot terminate a home owner's tenancy without first providing the home owner with a time period to cure the noncompliance. "Cure" refers to a home owner remedying, fixing, or otherwise correcting the situation or problem that caused the tenancy to be terminated pursuant to sections 38-12-202 and 38-12-203, Colorado Revised Statutes.~~

~~COMMENCEMENT OF LEGAL ACTION TO TERMINATE THE TENANCY:~~ After the last day of the notice period, a legal action may be commenced to take possession of the space leased by the home owner. In order to evict a home owner, the landlord or management of the mobile home park must prove:

- ~~The landlord or management complied with the notice requirements of the "Mobile Home Park Act";~~
- ~~The landlord or management provided the home owner with a statement of reasons for termination of the tenancy; and~~
- ~~The reasons for termination of the tenancy are true and valid under the "Mobile Home Park Act".~~

~~A home owner must appear in court to defend against an eviction action. If the court rules in favor of the landlord or management of the mobile home park, the home owner will have not less than 48 hours from the time of the ruling to remove the mobile home and to vacate the premises."~~

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2000, and shall apply to terminations of mobile home park tenancies commenced on or after said date.

SECTION 4. 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: March 17, 2000