

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0565.01 Jery Payne x2157

HOUSE BILL 26-1145

HOUSE SPONSORSHIP

Velasco and Phillips,

SENATE SPONSORSHIP

Cutter,

House Committees

Transportation, Housing & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING WATER QUALITY IN MOBILE HOME PARKS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Under current law, the water quality control division (division) administers a program to test for and remediate water quality issues for mobile home parks (program). The program tests for water quality issues that pose a risk to not only health or safety but also the welfare of park residents. The bill authorizes the division to require remediation of welfare-related water quality violations.

One of the requirements of the program is for the park owner to certify that the park owner has made certain water-quality-related notices

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

to park residents. The bill authorizes the division to issue an order requiring the park owner to comply with the park resident notice certification requirement.

Under the program, the park owner is prohibited from imposing the cost of compliance with certain remediation-related requirements on park residents. The bill provides that, for a park owner who is also a park resident, the owner may nonetheless bear this cost.

The program authorizes the division to issue orders requiring the park owner to perform additional water testing, perform temporary measures necessary to address acute health risks, make additional reports to the division, create a remediation plan, implement a remediation plan, or respond to the division in connection with a remediation plan. The bill clarifies that a park owner may ask for a hearing only regarding the orders that concern remediation plans.

The bill also clarifies that:

- The division has authority to enforce the requirements of the program; and
- The division has authority to issue cease-and-desist orders to address violations related to the program, regardless of whether the issues are related to water quality violations.

The bill also provides that:

- The additional monthly penalty of up to \$5,000 for a continuing violation may be imposed for the first 30 days of noncompliance; and
- A park owner is not entitled to an administrative hearing to contest an imposed civil penalty but may seek judicial review.

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

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

4 **25-8-1001. Definitions.**

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

6 (13) "Remediation" means the resolution of all water quality
7 issues of a finished water source. ~~so that the finished water is safe and~~
8 ~~healthy to drink.~~ "Remediate" has a corresponding meaning.

9 (13.5) (a) "RISK TO WELFARE" MEANS A REASONABLE LIKELIHOOD
10 OF NEGATIVELY AFFECTING THE ABILITY OF INDIVIDUALS TO MEET BASIC

1 MATERIAL NEEDS.

2 (b) "RISK TO WELFARE" INCLUDES:

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

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

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

10 **25-8-1002. Division duties - testing water quality at mobile**
11 **home parks - parameters of testing - notice of results.**

12 (2) **Testing parameters.**

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

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

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

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

23 **25-8-1003. Remediation.**

24 (2) Upon receiving the notice made under subsection (1)(b) of this
25 section, the park owner shall:

26 (b) Not impose the cost of compliance with this subsection (2) on
27 park residents; EXCEPT THAT A PARK RESIDENT THAT IS ALSO A PARK

1 OWNER MAY BEAR THE COST OF COMPLYING WITH THIS SUBSECTION (2).

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

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

10 **SECTION 4.** In Colorado Revised Statutes, 25-8-1007, **amend**
11 (1), (2), and (3)(a) as follows:

12 **25-8-1007. Enforcement.**

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

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

19 (3) (a) If a park owner fails to comply with A cease-and-desist
20 order, create a remediation plan, implement a remediation plan, or
21 respond to the division in connection with a remediation plan, the division
22 may impose a civil penalty of up to ten thousand dollars. ~~plus~~ IN
23 ADDITION TO THE CIVIL PENALTY OF UP TO TEN THOUSAND DOLLARS FOR
24 EACH VIOLATION, THE DIVISION MAY IMPOSE an additional CIVIL PENALTY
25 OF UP TO five thousand dollars for each ~~full calendar month after the first~~
26 ~~calendar month~~ THIRTY-DAY PERIOD for which the violation continues.
27 ~~The division must impose a civil penalty in accordance with article 4 of~~

1 ~~title 24~~ A CIVIL PENALTY ISSUED UNDER THIS SUBSECTION (3) IS A FINAL
2 AGENCY ACTION. THE PARK OWNER IS NOT ENTITLED TO AN
3 ADMINISTRATIVE HEARING TO CONTEST AN IMPOSED CIVIL PENALTY.

4 **SECTION 5. Act subject to petition - effective date -**
5 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
6 the expiration of the ninety-day period after final adjournment of the
7 general assembly (August 12, 2026, if adjournment sine die is on May 13,
8 2026); except that, if a referendum petition is filed pursuant to section 1
9 (3) of article V of the state constitution against this act or an item, section,
10 or part of this act within such period, then the act, item, section, or part
11 will not take effect unless approved by the people at the general election
12 to be held in November 2026 and, in such case, will take effect on the
13 date of the official declaration of the vote thereon by the governor.

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