

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

May 2, 2022

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:

1 Amend reengrossed bill, page 13, line 18, strike "and 5" and substitute
2 "(5), (6) introductory portion, (6)(c), and (6)(d)".

3 Page 14, after line 20 insert:

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

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

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

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

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

- 1 Page 44, line 19, after "owners" insert "AND RESIDENTS".
- 2 Page 44, line 27, strike "owners" and substitute "owners, MOBILE HOME
3 PARK RESIDENTS,".
- 4 Page 45, line 9, strike "(2)" and substitute "(2) (a)".
- 5 Page 45, after line 12 insert:
- 6 "(b) ON AND AFTER JULY 1, 2024, OR EARLIER IF ALLOWED BY THE
7 DIVISION, "COMPLAINANT" ALSO INCLUDES A RESIDENT, LOCAL
8 GOVERNMENT, OR NONPROFIT WHO HAS FILED A COMPLAINT ALLEGING A
9 VIOLATION OF THE ACT, THIS PART 11, OR A RULE."
- 10 Page 45, line 27, after "owner" insert "AND RESIDENT".
- 11 Page 46, line 3, strike "home owners" and substitute "~~home owners~~".
- 12 Page 46, line 4, strike "landlords" and substitute "landlords, and home
13 owners, AND RESIDENTS".
- 14 Page 46, line 21, after "(10)," insert "(12),".
- 15 Page 50, after line 6, insert:
- 16 "(12) This section does not provide an exclusive remedy and does
17 not limit the right of landlords, ~~or~~ home owners, OR RESIDENTS to take
18 legal action against another party as provided in the act or otherwise.
19 Exhaustion of the administrative remedy provided in this section is not
20 required before a landlord, ~~or~~ home owner, OR RESIDENT may bring a
21 legal action."
- 22 Page 50, line 9, after "owner" insert "OR RESIDENT".
- 23 Page 50, line 10, after "OWNER" insert "OR RESIDENT".
- 24 Page 50, line 12, after "owner" insert "OR RESIDENT".
- 25 Page 51, line 1, before "(7)(d)" insert "(2)(d), (2)(e), (7) introductory
26 portion," and before "(7)(f)" insert "(7)(a.5) and".
- 27 Page 51, strike line 3 and substitute "(2) The division shall send

1 registration notifications and information packets to all known landlords
2 of unregistered mobile home parks. These information packets must
3 include:

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

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

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

10 Page 51, line 5, strike "state".

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

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

20 (II) IF THE LEGAL OWNER OF THE MOBILE HOME PARK LISTED
21 PURSUANT TO SUBSECTION (7)(a.5)(I) OF THIS SECTION IS A DOMESTIC
22 LIMITED LIABILITY COMPANY, THE LANDLORD SHALL INCLUDE THE
23 DOMESTIC ENTITY NAME OF THE LIMITED LIABILITY COMPANY AND THE
24 PRINCIPAL OFFICE MAILING ADDRESS ON FILE WITH THE SECRETARY OF
25 STATE, A COPY OF THE CERTIFICATE OF GOOD STANDING FOR THE LIMITED
26 LIABILITY COMPANY, AND THE NAME OF ANY ENTITY THAT EXERCISES
27 FINANCIAL OR MANAGEMENT CONTROL OF THE LIMITED LIABILITY
28 COMPANY.

29 (III) IF THE LEGAL OWNER OF THE MOBILE HOME PARK LISTED
30 PURSUANT TO SUBSECTION (7)(a.5)(I) OF THIS SECTION IS A FOREIGN
31 LIMITED LIABILITY COMPANY, THE LANDLORD SHALL INCLUDE THE
32 ENTITY'S TRUE NAME AND ASSUMED ENTITY NAME, IF ANY, AND THE
33 PRINCIPAL OFFICE MAILING ADDRESS OF ITS PRINCIPAL OFFICE AS SHOWN
34 ON THE STATEMENT OF FOREIGN ENTITY AUTHORITY FILED WITH THE
35 SECRETARY OF STATE, A COPY OF THE CERTIFICATE OF GOOD STANDING
36 FOR THE FOREIGN LIMITED LIABILITY COMPANY, AND THE NAME OF ANY
37 ENTITY THAT EXERCISES FINANCIAL OR MANAGEMENT CONTROL OF THE
38 LIMITED LIABILITY COMPANY."

39 Page 51, strike lines 21 and 22 and substitute "landlord's mobile home
40 park. ON AND AFTER JULY 1, 2024, THE DIVISION MAY ADJUST THE FEE TO

1 COVER THE COSTS ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO
2 SECTION 38-12-1103 (2)(b), AND MAY BY RULE AUTHORIZE LANDLORDS
3 TO CHARGE A RESIDENT, AS DEFINED IN SECTION 38-12-201.5 (11), A
4 PORTION OF THE FEE. A landlord ~~may~~ MUST NOT charge a home owner ~~not~~
5 OR RESIDENT more than half of the fee. The registration fee for each
6 mobile home must".

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

8 Page 52, after line 8 insert:

9 "(b) INFISCAL YEAR 2024-25 AND EACH FISCAL YEAR THEREAFTER,
10 THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FROM THE GENERAL
11 FUND TO THE MOBILE HOME PARK ACT DISPUTE RESOLUTION AND
12 ENFORCEMENT PROGRAM FUND FOR USE BY THE DIVISION TO COVER COSTS
13 ASSOCIATED WITH COMPLAINTS FILED PURSUANT TO SECTION 38-12-1103
14 (2)(b) THAT ARE NOT COVERED BY THE FEE AUTHORIZED IN SECTION
15 32-12-1106 (8).

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

18 **6-1-105. Unfair or deceptive trade practices.** (1) A person
19 engages in a deceptive trade practice when, in the course of the person's
20 business, vocation, or occupation, the person:

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

24 (ooo) EITHER KNOWINGLY OR RECKLESSLY ENGAGES IN ANY
25 UNFAIR, UNCONSCIONABLE, DECEPTIVE, DELIBERATELY MISLEADING,
26 FALSE, OR FRAUDULENT ACT OR PRACTICE."

27 Renumber succeeding sections accordingly.

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