

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 12, 2023
Date

Committee on Transportation, Housing & Local Government.

After consideration on the merits, the Committee recommends the following:

HB23-1257 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 20 through 22.
- 2 Page 4, strike lines 1 through 12.
- 3 Renumber succeeding subsections accordingly.
- 4 Page 4, line 16, after "INCLUDES" insert "DRINKING".
- 5 Page 4, strike line 17 and substitute "THE DISTRIBUTION SYSTEM."
- 6 Page 5, strike lines 18 through 20 and substitute:
 - 7 "(a) THE FINISHED WATER FAILS TO COMPLY WITH THE PRIMARY
 - 8 DRINKING WATER QUALITY STANDARDS ESTABLISHED BY RULE UNDER
 - 9 SECTIONS 25-8-202 AND 25-8-204, OR WITH ANY MAXIMUM CONTAMINANT
 - 10 LEVEL ESTABLISHED BY THE UNITED STATES".
- 11 Page 7, line 2, strike "CRITERIA:" and substitute "CRITERIA, NOT LISTED IN
- 12 ORDER OF IMPORTANCE:".
- 13 Page 7, line 8, strike "A" and substitute "THE MOST RECENT VERSION OF
- 14 ITS".
- 15 Page 7, line 13, strike "AND".
- 16 Page 7, line 15, strike "SUPPLY." and substitute "SUPPLY; AND
- 17 (F) PARKS THE DIVISION DETERMINES SHOULD BE PRIORITIZED.".

1 Page 7, strike lines 19 through 27.

2 Page 8, strike line 1 and substitute:

3 **"(2) Testing parameters. (a)** IN DEVELOPING THE TESTING
4 PROGRAM, THE DIVISION SHALL INTERVIEW RESIDENTS OF PARKS TO
5 UNDERSTAND RESIDENT EXPERIENCES, INCLUDING DAMAGE TO
6 APPLIANCES, HEALTH EFFECTS, AND ECONOMIC EFFECTS, AND SHALL
7 ASSESS POSSIBLE CAUSES OF CONCERN ABOUT THE QUALITY OF FINISHED
8 WATER, INCLUDING CONCERNS ABOUT FINISHED WATER THAT HAS AN
9 ABNORMAL COLOR, ODOR, OR TASTE. THE DIVISION SHALL CONDUCT THE
10 INTERVIEWS IN ENGLISH, SPANISH, OR ANY OTHER LANGUAGE REQUESTED
11 BY A RESIDENT OR THAT THE DIVISION DETERMINES IS NECESSARY TO
12 CONDUCT THE INTERVIEW.

13 **(b)** IN DEVELOPING THE TESTING PROGRAM, THE DIVISION SHALL
14 DETERMINE AND APPROVE A SPECIFIC SAMPLING AND TESTING PLAN FOR
15 EACH PARK REQUIRING ANY WATER QUALITY TESTING THAT THE
16 DIVISION".

17 Page 8, strike lines 3 through 8 and substitute "QUALITY AND TO ASSES
18 PARK RESIDENT CONCERNS IDENTIFIED IN THE INTERVIEWS DESCRIBED IN
19 SUBSECTION (2)(a) OF THIS SECTION. THE TESTING MAY INCLUDE:

20 **(I)** TESTING TO DETERMINE IF THE WATER COMPLIES WITH THE
21 PRIMARY AND SECONDARY DRINKING WATER STANDARDS ESTABLISHED BY
22 RULE UNDER SECTIONS 25-8-202 AND 25-8-204 AND WITH THE MAXIMUM
23 CONTAMINANT LEVELS OR SECONDARY MAXIMUM CONTAMINANT LEVELS
24 ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION
25 AGENCY;

26 **(II)** TESTING TO EVALUATE HARDNESS, IRON, CALCIUM, AND TOTAL
27 DISSOLVED SOLIDS; AND

28 **(III)** TESTING FOR CHEMICALS WITH HEALTH ADVISORY LEVELS IF
29 THE DIVISION BELIEVES THE CHEMICALS MAY BE PRESENT IN THE FINISHED
30 WATER.".

31 Page 8, line 9, strike "(II) IS" and substitute "(c) EACH APPROVED
32 SAMPLING AND TESTING PLAN IS".

33 Reletter succeeding paragraphs accordingly.

34 Page 8, line 12, strike "PRESENT" and substitute "NEAR OR IN EXCESS OF
35 THE STANDARD".

36 Page 8, strike lines 21 through 25 and substitute:

- 1 "(II) AVOID TESTING WITHIN A MOBILE HOME WITHOUT THE
2 OWNER'S OR RENTER'S CONSENT AND EVALUATE POSSIBLE ALTERNATE
3 TESTING LOCATIONS, INCLUDING PEDESTALS AND SERVICE LINES."
- 4 Page 9, after line 12 insert:
- 5 "(D) THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL
6 AFFAIRS;"
- 7 Reletter succeeding sub-subparagraphs accordingly.
- 8 Page 10, line 3, after "RESULTS" insert "WITHIN FORTY-EIGHT HOURS".
- 9 Page 10, lines 26 and 27, strike "ENFORCEMENT PURSUANT TO ARTICLE 1
10 OF TITLE 6." and substitute "SECTION 38-12-1104 AND PART 2 OF ARTICLE
11 12 OF TITLE 38."
- 12 Page 11, line 3, strike "DIVISION:" and substitute "DIVISION SHALL:".
- 13 Page 11, line 4, strike "MAY PERFORM OR REQUIRE ADDITIONAL TESTING"
14 and substitute "PERFORM OR REQUIRE ADDITIONAL TESTING, IF
15 NECESSARY,".
- 16 Page 11, line 6, strike "TESTING AND" and substitute "TESTING,".
- 17 Page 11, line 7, strike "SUPPLY;" and substitute "SUPPLY OUTSIDE THE
18 MOBILE HOME, AND TESTING OF FLOW RATES AND WATER PRESSURE;".
- 19 Page 11, line 8, strike "SHALL NOTIFY" and substitute "NOTIFY".
- 20 Page 11, line 10, strike "SHALL TIMELY" and substitute "TIMELY".
- 21 Page 11, line 16, strike "SHALL, WHEN" and substitute "WHEN".
- 22 Page 11, line 24, strike "NINETY" and substitute "ONEHUNDREDTWENTY".
- 23 Page 11, line 27, strike "NOTICE;" and substitute "NOTICE AND MUST
24 INCLUDE DEADLINES, WITH STATUS UPDATE REQUIREMENTS, TO ADDRESS
25 THE WATER QUALITY ISSUE;".
- 26 Page 12, lines 3 and 4, strike "AN ALTERNATE SOURCE OF" and substitute
27 "A REASONABLE AND SUFFICIENT AMOUNT OF ACCESSIBLE".

- 1 Page 12, line 6, strike "MAY" and substitute "SHALL".
- 2 Page 12, lines 15 and 16, strike "MUST BE DESIGNED TO HELP ACHIEVE
3 ENVIRONMENTAL JUSTICE AND".
- 4 Page 12, line 18, strike "DIVISION:" and substitute "DIVISION SHALL:".
- 5 Page 12, line 19, strike "SHALL CONDUCT" and substitute "CONDUCT", and
6 strike "PARKS" and substitute "PARK RESIDENTS".
- 7 Page 12, line 23, strike "SHALL COORDINATE" and substitute
8 "COORDINATE".
- 9 Page 12, line 26, strike "SHALL ENSURE" and substitute "ENSURE".
- 10 Page 13, line 3, strike "MAY CONSULT" and substitute "CONSULT".
- 11 Page 13, line 5, after "HIGHER EDUCATION," insert "THE WATER
12 PROVIDER,".
- 13 Page 13, line 7, strike "SHALL CONSIDER" and substitute "CONSIDER".
- 14 Page 13, line 9, strike "SHALL ASSESS" and substitute "ASSESS".
- 15 Page 13, line 15, strike "SHALL COLLECT" and substitute "COLLECT".
- 16 Page 13, line 20, strike "TESTED" and substitute "TESTED, THE TESTING
17 LOCATIONS,".
- 18 Page 14, line 2, strike "AND".
- 19 Page 14, strike line 4 and substitute "PLAN; AND
20 (f) INCLUDE A WRITTEN DESCRIPTION OF HOW PARK RESIDENT
21 FEEDBACK WAS AND WAS NOT INCORPORATED.".
- 22 Page 14, line 12, strike "OWNERS" and substitute "OWNERS, NONPROFIT
23 ENTITIES,".
- 24 Page 14, line 16, before "PARK." insert "PARK OR IMPROVE WATER
25 QUALITY IN A".
- 26 Page 15, line 3, strike "OWNER" and substitute "OWNER, NONPROFIT
27 ENTITY,".

- 1 Page 15, line 8, after "OWNER," insert "NONPROFIT ENTITY,".
- 2 Page 15, line 14, after "REMEDICATION" insert "OR IMPROVEMENT".
- 3 Page 15, line 22, strike "ISSUE." and substitute "ISSUE OR IMPROVE WATER
4 QUALITY.".
- 5 Page 15, lines 26 and 27, strike "THE DIVISION SHALL DISTRIBUTE GRANT
6 MONEY WITHIN ONE HUNDRED TWENTY DAYS".
- 7 Page 16, strike line 1.
- 8 Page 16, line 11, strike "6-1-112 (3)" and substitute "25-8-1007 (3)".
- 9 Page 16, line 17, strike "MAY" and substitute "SHALL, AS NECESSARY TO
10 ADDRESS A PARK'S WATER QUALITY ISSUES OR IMPROVE A PARK'S WATER
11 QUALITY,".
- 12 Page 16, line 22, strike "MAY" and substitute "SHALL, AS NECESSARY TO
13 ADDRESS A PARK'S WATER QUALITY ISSUES OR IMPROVE A PARK'S WATER
14 QUALITY,".
- 15 Page 16, line 23, strike "10." and substitute "10 IN ACCORDANCE WITH
16 SECTION 25-8-605.
- 17 Page 16, strike lines 24 through 27 and substitute:
- 18 "(3) (a) IF THE PARK OWNER FAILS TO COMPLY WITH A CEASE AND
19 DESIST ORDER, CREATE A REMEDIATION PLAN, IMPLEMENT A REMEDIATION
20 PLAN, OR RESPOND TO THE DIVISION IN CONNECTION WITH A REMEDIATION
21 PLAN, THE DIVISION MAY IMPOSE A CIVIL PENALTY OF UP TO TEN
22 THOUSAND DOLLARS PLUS AN ADDITIONAL FIVE THOUSAND DOLLARS FOR
23 EACH FULL CALENDAR MONTH AFTER THE FIRST CALENDAR MONTH FOR
24 WHICH THE VIOLATION CONTINUES. THE DIVISION MUST IMPOSE A CIVIL
25 PENALTY IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.
- 26 (b) THE DIVISION SHALL TRANSFER A CIVIL PENALTY COLLECTED
27 PURSUANT TO THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL
28 CREDIT THE CIVIL PENALTY TO THE FUND.".
- 29 Page 17, strike lines 1 through 5.
- 30 Page 17, strike lines 11 through 14.

- 1 Renumber succeeding subsection accordingly.
- 2 Page 18, strike line 6 and substitute "SECTION 38-12-1106."
- 3 Page 18, strike lines 7 through 27.
- 4 Strike page 19.
- 5 Page 20, strike lines 1 through 10.
- 6 Renumber succeeding sections accordingly.
- 7 Page 20, line 22, strike "REPRESENT" and substitute "ADVOCATE FOR AND
- 8 LIAISE WITH".
- 9 Page 21, after line 7 insert:

10 **"SECTION 5.** In Colorado Revised Statutes, 38-12-204, **amend**
11 (4) introductory portion, (4)(b), and (4)(c); and **add** (4)(d) as follows:

12 **38-12-204. Nonpayment of rent - notice required for rent**
13 **increase - limitation on rent increases.** (4) A landlord shall not increase
14 rent on a RESIDENT OF A mobile home park lot if the park:

15 (b) Has any unpaid penalties owed to the division of housing; ~~or~~

16 (c) Has not fully complied with any final agency order issued by
17 the division of housing; OR

18 (d) HAS NOT FULLY COMPLIED WITH SECTION 25-8-1003 (2).

19 **SECTION 6.** In Colorado Revised Statutes, 38-12-212.3, **amend**
20 (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V) as follows:

21 **38-12-212.3. Responsibilities of landlord - acts prohibited.**

22 (2) In addition to the responsibilities described in subsection (1)(a) of
23 this section, a landlord is responsible for:

24 (b) The premises, including:

25 (III) Maintaining lot grades, regrading lots as necessary to prevent
26 the accumulation of stagnant water and the detrimental effects of moving
27 water, and taking reasonably necessary steps to maintain the integrity of
28 the foundation of each mobile home's utility pedestal or pad space in
29 order to prevent structural damage to the mobile home, except in
30 circumstances where the need for such maintenance is caused by a
31 resident's actions; ~~and~~

32 (IV) Maintaining trees on the premises in a manner that protects
33 the safety of residents of the park and their property, including the
34 preservation of healthy, mature trees that home owners reasonably
35 expected to remain on the premises when they signed their rental

1 agreements, so long as such preservation does not pose a safety risk to
2 any person, property, or infrastructure; AND
3 (V) COMPLYING WITH THE PROVISIONS OF PART 10 OF ARTICLE 8
4 OF TITLE 25."

5 Renumber succeeding sections accordingly.

6 Page 21, after line 14 insert:

7 "SECTION 8. In Colorado Revised Statutes, 38-12-502, **add**
8 (6.5) as follows:

9 **38-12-502. Definitions.** As used in this part 5 and part 8 of this
10 article 12, unless the context otherwise requires:

11 (6.5) "ORGANIZING INCLUDES:

12 (a) FACILITATING OR ATTENDING A MEETING FOR PURPOSES OF
13 FORMING A TENANTS' ORGANIZATION OR FILING A COMPLAINT, EVEN IF THE
14 ORGANIZATION IS NOT YET FORMED OR THE COMPLAINT HAS NOT YET BEEN
15 FILED WHEN THE RETALIATION OCCURS OR

16 (b) DISTRIBUTION OF FLYERS OR OTHER PROMOTIONAL OR
17 EDUCATIONAL MATERIALS RELATED TO EFFORTS TO ORGANIZE TENANTS."

18 Renumber succeeding sections accordingly.

19 Page 21, line 16, strike "(1)" and substitute "(1); and **add** (5)".

20 Page 21, strike lines 18 and 19 and substitute "retaliate against a tenant
21 by increasing rent, ~~or~~ BY decreasing services, ~~or~~ by bringing or
22 threatening to bring an action for possession, OR BY BRINGING ANY OTHER
23 ADVERSE ACTION in response to".

24 Page 22, after line 2 insert:

25 "(5) A RETALIATORY ACTION DESCRIBED IN SUBSECTION (1) OF
26 THIS SECTION IS REBUTTABLY PRESUMED TO BE RETALIATION IN VIOLATION
27 OF THIS SECTION IF DONE WITHIN ONE HUNDRED TWENTY DAYS AFTER THE
28 TENANT DOES AN ACTION DESCRIBED IN SUBSECTION (1)(a) TO (1)(c) OF
29 THIS SECTION."

30 Page 22, line 18, strike "SOURCE AND THE WATER" and substitute
31 "SOURCE."

32 Page 22, strike lines 19 and 20.

*** **