

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0648.01 Bob Lackner x4350

SENATE BILL 16-057

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SENATE SPONSORSHIP

**Kefalas**, Ulibarri

HOUSE SPONSORSHIP

**Ginal and Tyler**,

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**Senate Committees**

State, Veterans, & Military Affairs

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING MOBILE HOME OWNERS WHO LEASE SPACE IN MOBILE**  
102           **HOME PARKS, AND, IN CONNECTION THEREWITH, PROTECTING**  
103           **THE MUTUAL PROPERTY RIGHTS OF MOBILE HOME OWNERS AND**  
104           **THE OWNERS OF MOBILE HOME PARKS.**

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**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://www.leg.state.co.us/billsummaries>.)*

**Section 1** of the bill grants new powers to the division of housing within the department of local affairs (division) in connection with the promotion of the mutual interests of landlords and home owners within

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

mobile home parks, pursuant to its statutory authority and subject to available appropriations. These powers include:

- ! Safeguarding and promoting the mutual interests of management or landlords and home owners;
- ! Collecting economic and demographic data annually about mobile home parks across the state, including vacancy and rental survey data, data concerning landlord-home owner disputes over alleged violations of the "Mobile Home Park Act" (act), demographic data about home owners within mobile home parks, including income levels, ages, and racial and ethnic identities, and proscribing the form of collection of such data that may include partnering with academia, the private sector, and nonprofit organizations;
- ! Providing continuing educational opportunities for landlords of, and home owners within, mobile home parks concerning their respective rights and responsibilities under the law and under any other applicable laws of the state in addition to, without limitation, information concerning the formation of home owner associations and resident-owned communities;
- ! Administering programs established by the state that are intended to safeguard and promote the maintenance, development, and success of mobile home parks across the state;
- ! Fostering collaboration with local governments; and
- ! Creating and administering a dispute resolution program that will provide landlords and home owners with a cost-effective and time-efficient process to resolve disputes concerning alleged violations of the act. The bill requires the division to create the dispute resolution program by July 1, 2017.

Section 1 of the bill further requires the division to maintain for public dissemination a list of local government agencies and community-based nonprofit organizations that are created and empowered to mediate disputes between or among landlords, management, and home owners within mobile home parks. The list must be made publicly available on the website of the division.

**Sections 4 and 5** of the bill make changes to the act as follows:

- ! Section 4 requires the management of a mobile home park to adopt reasonable written rules and regulations concerning all home owners' use and occupancy of the premises. The bill further specifies that such rules and regulations are deemed to be unreasonable and unenforceable against a home owner unless the management is able to establish that the rules satisfy a

number of criteria specified in the act.

- ! In any controversy between the management and a home owner of a mobile home park arising out of the act, except for the nonpayment of rent or in cases in which the health or safety of other home owners is in imminent danger, section 5 requires the parties to submit to either mediation or another form of alternative dispute resolution prior to the filing of a forcible entry and detainer lawsuit. The choice of alternative dispute resolution methods is dependent upon agreement of the parties.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 24-32-725 as  
3 follows:

4           **24-32-725. Promotion of mutual interests of landlords and**  
5 **home owners - mobile home parks - data collection - dispute**  
6 **resolution - other duties of division - legislative declaration -**  
7 **definitions.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES,  
8 AND DECLARES THAT IT IS THE POLICY OF THE STATE TO COLLABORATE  
9 WITH THE PRIVATE SECTOR TO PRESERVE AND DEVELOP AFFORDABLE  
10 HOUSING AND THAT MOBILE HOMES, MANUFACTURED HOUSING, AND  
11 FACTORY-BUILT HOUSING CONSTITUTE IMPORTANT AND EFFECTIVE  
12 RESOURCES TO MEET COLORADO'S AFFORDABLE HOUSING NEEDS. BY  
13 ENACTING THIS SECTION, THE GENERAL ASSEMBLY INTENDS TO ENHANCE  
14 THE QUALITY AND STABILITY OF MOBILE HOME PARKS, TO STRENGTHEN  
15 THE MANUFACTURED HOME INDUSTRY, TO ESTABLISH ALTERNATIVE  
16 DISPUTE RESOLUTION PROCESSES, TO COLLECT AND ANALYZE RELEVANT  
17 DATA, AND TO SUPPORT RESIDENT OWNERSHIP OF MOBILE HOME PARKS AS  
18 APPROPRIATE.

19           (b) BY ENACTING THIS SECTION, IT IS THE INTENT OF THE GENERAL  
20 ASSEMBLY TO PROVIDE AN EQUITABLE AS WELL AS A LESS COSTLY AND

1 MORE EFFICIENT WAY FOR LANDLORDS, MANAGEMENT, AND HOME  
2 OWNERS TO RESOLVE DISPUTES THAT MAY ARISE BETWEEN OR AMONG  
3 THEM.

4 (c) THIS SECTION IS TO BE LIBERALLY CONSTRUED TO ACCOMPLISH  
5 THE LEGISLATIVE INTENT EXPRESSED HEREIN.

6 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
7 REQUIRES:

8 (a) "ACT" MEANS THE "MOBILE HOME PARK ACT", PART 2 OF  
9 ARTICLE 12 OF TITLE 38, C.R.S.

10 (b) "HOME OWNER" HAS THE SAME MEANING AS IN SECTION  
11 38-12-201.5 (1), C.R.S.

12 (c) "MANAGEMENT" OR "LANDLORD" HAS THE SAME MEANING AS  
13 IN SECTION 38-12-201.5 (1.5), C.R.S.

14 (d) "MOBILE HOME PARK" HAS THE SAME MEANING AS IN SECTION  
15 38-12-201.5 (3), C.R.S.

16 (3) PURSUANT TO ITS STATUTORY AUTHORITY AND SUBJECT TO  
17 AVAILABLE APPROPRIATIONS, AND IN CONNECTION WITH ITS  
18 RESPONSIBILITIES UNDER THIS SECTION, THE DIVISION HAS THE FOLLOWING  
19 POWERS AND DUTIES, WITHOUT LIMITATION:

20 (a) TO SAFEGUARD AND PROMOTE THE MUTUAL INTERESTS OF  
21 MANAGEMENT OR LANDLORDS AND HOME OWNERS;

22 (b) FOR THE PURPOSE OF UNDERSTANDING TRENDS AFFECTING  
23 MANUFACTURED HOUSING AND MOBILE HOME PARKS, TO COLLECT  
24 ECONOMIC AND DEMOGRAPHIC DATA ANNUALLY ABOUT MOBILE HOME  
25 PARKS ACROSS THE STATE, INCLUDING VACANCY AND RENTAL SURVEY  
26 DATA, DATA CONCERNING LANDLORD-HOME OWNER DISPUTES OVER  
27 ALLEGED VIOLATIONS OF THE ACT, DEMOGRAPHIC DATA ABOUT HOME

1 OWNERS WITHIN MOBILE HOME PARKS, INCLUDING INCOME LEVELS, AGES,  
2 AND RACIAL AND ETHNIC IDENTITIES, AND TO PROSCRIBE THE FORM OF  
3 COLLECTION OF SUCH DATA THAT INCLUDES PARTNERING WITH ACADEMIA,  
4 THE PRIVATE SECTOR, AND NONPROFIT ORGANIZATIONS;

5 (c) TO PROVIDE CONTINUING EDUCATIONAL OPPORTUNITIES FOR  
6 LANDLORDS OF, AND HOME OWNERS WITHIN, MOBILE HOME PARKS  
7 CONCERNING THEIR RESPECTIVE RIGHTS AND RESPONSIBILITIES UNDER THE  
8 ACT, THIS PART 7, AND UNDER ANY OTHER APPLICABLE LAWS OF THE  
9 STATE IN ADDITION TO, WITHOUT LIMITATION, INFORMATION CONCERNING  
10 THE FORMATION OF HOME OWNER ASSOCIATIONS AND RESIDENT-OWNED  
11 COMMUNITIES;

12 (d) TO ADMINISTER PROGRAMS ESTABLISHED BY THE STATE THAT  
13 ARE INTENDED TO SAFEGUARD AND PROMOTE THE MAINTENANCE,  
14 DEVELOPMENT, AND SUCCESS OF MOBILE HOME PARKS ACROSS THE STATE;

15 (e) TO FOSTER COLLABORATION WITH LOCAL GOVERNMENTS TO  
16 BETTER ACHIEVE THE PURPOSES OF THIS SECTION; AND

17 (f) TO CREATE AND ADMINISTER THE DISPUTE RESOLUTION  
18 PROGRAM IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

19 (4) (a) NOT LATER THAN JULY 1, 2017, THE DIVISION SHALL  
20 CREATE BY RULE IN ACCORDANCE WITH ARTICLE 4 OF THIS TITLE A  
21 DISPUTE RESOLUTION PROGRAM THAT WILL PROVIDE LANDLORDS AND  
22 HOME OWNERS WITH A COST-EFFECTIVE AND TIME-EFFICIENT PROCESS TO  
23 RESOLVE DISPUTES CONCERNING ALLEGED VIOLATIONS OF THE ACT.

24 (b) THE PROGRAM REQUIRED BY PARAGRAPH (a) OF THIS  
25 SUBSECTION (4) MUST ADDRESS SUCH MATTERS AS ARE APPROPRIATE FOR  
26 INCLUSION IN A DISPUTE RESOLUTION PROGRAM THAT WILL BEST FULFILL  
27 THE INTENT OF THIS SECTION.

1 (c) IN ADDITION TO ITS DUTIES UNDER SUBSECTION (3) OF THIS  
2 SECTION, THE DIVISION SHALL ALSO MAINTAIN FOR PUBLIC DISSEMINATION  
3 A LIST OF LOCAL GOVERNMENT AGENCIES AND COMMUNITY-BASED  
4 NONPROFIT ORGANIZATIONS THAT ARE CREATED AND EMPOWERED TO  
5 MEDIATE DISPUTES BETWEEN OR AMONG LANDLORDS, MANAGEMENT, AND  
6 HOME OWNERS WITHIN MOBILE HOME PARKS. THE LIST REQUIRED BY THIS  
7 PARAGRAPH (c) MUST BE MADE PUBLICLY AVAILABLE ON THE WEBSITE OF  
8 THE DIVISION.

9 **SECTION 2.** In Colorado Revised Statutes, 24-32-705, **add** (1)  
10 (u) as follows:

11 **24-32-705. Functions of division - repeal.** (1) The division has  
12 the following functions:

13 (u) PURSUANT TO ITS STATUTORY AUTHORITY AND SUBJECT TO  
14 AVAILABLE APPROPRIATIONS, TO PERFORM THE POWERS AND DUTIES  
15 DELEGATED TO IT UNDER SECTION 24-32-725, AND TO GENERALLY  
16 ADMINISTER SAID SECTION IN A MANNER THAT PROMOTES THE  
17 LEGISLATIVE INTENT SPECIFIED IN SECTION 24-32-725 (1).

18 **SECTION 3.** In Colorado Revised Statutes, **amend** 38-12-201.3  
19 as follows:

20 **38-12-201.3. Legislative declaration - increased availability of**  
21 **mobile home parks.** (1) The general assembly hereby finds and declares  
22 that mobile homes, manufactured housing, and factory-built housing are  
23 important and effective ways to meet Colorado's affordable housing  
24 needs. The general assembly further finds and declares that, because of  
25 the unique aspects of mobile homes and mobile home park ownership,  
26 there is a need to protect mobile home owners from eviction with short  
27 notice so as to prevent mobile home owners from losing their shelter as

1 well as any equity in their mobile homes. The general assembly  
2 encourages local governments to allow and protect mobile home parks in  
3 their jurisdictions and to enact plans to increase the number of mobile  
4 home parks in their jurisdictions. The general assembly further  
5 encourages local governments to provide incentives to mobile home park  
6 owners to attract additional mobile home parks and to increase the  
7 viability of current parks.

8 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT  
9 IT IS THE POLICY OF THE STATE TO PRESERVE AFFORDABLE HOUSING,  
10 ENHANCE THE QUALITY AND STABILITY OF MOBILE HOME PARKS, AND  
11 FOSTER THE COMMITMENT TO SOCIETY THAT COMES THROUGH HOME  
12 OWNERSHIP AND SELF-GOVERNANCE.

13 (3) THIS PART 2 SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH  
14 THE LEGISLATIVE INTENT EXPRESSED IN SUBSECTIONS (1) AND (2) OF THIS  
15 SECTION.

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 38-12-214 as  
17 follows:

18 **38-12-214. Rules and regulations.** (1) The management shall  
19 adopt REASONABLE written rules and regulations concerning all home  
20 owners' use and occupancy of the premises. Such rules and regulations  
21 are ~~enforceable against a home owner only~~ if DEEMED TO BE  
22 UNREASONABLE AND UNENFORCEABLE AGAINST A HOME OWNER UNLESS  
23 THE MANAGEMENT IS ABLE TO ESTABLISH THAT:

24 (a) Their purpose is to promote the convenience, safety, or welfare  
25 of the home owners, protect and preserve the premises from abusive use,  
26 or make a fair distribution of services and facilities held out for the home  
27 owners generally;

1 (b) They are reasonably related to the purpose for which they are  
2 adopted;

3 (c) They are not retaliatory or discriminatory in nature; AND

4 (d) They are sufficiently explicit in prohibition, direction, or  
5 limitation of the home owner's conduct to fairly inform him of what he  
6 must or must not do to comply.

7 **SECTION 5.** In Colorado Revised Statutes, 38-12-216, **amend**  
8 (1) as follows:

9 **38-12-216. Mediation, when permitted - court actions.** (1) In  
10 any controversy between the management and a home owner of a mobile  
11 home park arising out of the provisions of this part 2, except for the  
12 nonpayment of rent or in cases in which the health or safety of other  
13 home owners is in imminent danger, such controversy ~~may~~ MUST be  
14 submitted to EITHER mediation OR ANOTHER FORM OF ALTERNATIVE  
15 DISPUTE RESOLUTION by either party prior to the filing of a forcible entry  
16 and detainer lawsuit, WHICH CHOICE OF ALTERNATIVE DISPUTE  
17 RESOLUTION METHODS IS DEPENDENT upon agreement of the parties.

18 **SECTION 6. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2016 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.