

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 23-0545.03 Jery Payne x2157

HOUSE BILL 23-1257

HOUSE SPONSORSHIP

Velasco and Boesenecker,

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House Committees

Transportation, Housing & Local Government

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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>.)

The bill creates a water testing program for mobile home parks (parks). The testing program is developed and administered by the water quality control division (division) in the department of public health and environment (department). The bill also sets testing prioritization criteria and testing standards. If the testing reveals a water quality issue, the division will notify the following and include information about the test results, recommended actions, remediation, and the grant program established in the bill:

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.

- The park owner;
- The county department of health or municipality where the park is located;
- The water supplier; and
- The environmental justice ombudsperson (ombudsperson).

Upon receiving the notice, the park owner must:

- Notify the park residents;
- Comply with orders of the division;
- Not impose the cost of compliance on park residents;
- Within 90 days after receiving the notice, prepare and submit to the division a remediation plan;
- Complete the remediation plan based on a schedule approved by the division; and
- Consult with the division and provide an alternative water supply or department-approved filters.

The division will coordinate with the division of housing in the department of local affairs to identify potential money, including grant money from the grant program created in the bill, to support park water quality remediation.

The division will develop an action plan to address and improve water quality in parks. Standards are established for the action plan, including environmental justice principles, and the development of the action plan.

The bill creates a grant program to help park owners and local governments address water quality issues. The division will implement and administer the grant program. The general assembly will annually appropriate money to the department to fund the grant program.

The bill is enforced by the division, which may issue cease-and-desist orders.

A violation of the bill is a violation of the "Colorado Consumer Protection Act", and the bill further establishes that:

- If a park owner fails to develop a remediation plan or implement the remediation plan, the park will be declared a class 3 public nuisance, and the park owner must forfeit the park;
- A park owner that fails to register under the "Mobile Home Park Act Dispute Resolution and Enforcement Program" violates the "Colorado Consumer Protection Act"; and
- A person may bring a civil action under the "Mobile Home Park Act".

A park that has been forfeited because it is a class 3 public nuisance becomes the property of the county where the park is located, and the county will continue to operate the park to provide affordable housing for no fewer than 100 years. Penalties imposed under the "Colorado Consumer Protection Act" are deposited in a fund to be used

to provide grants through the grant program and for the division to administer and enforce the bill.

The ombudsperson is given the duty to represent park residents in matters of water quality.

The bill adds water quality issues to the database created by the "Mobile Home Park Act Dispute Resolution and Enforcement Program", which tracks complaints filed against parks.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 8 of title 25 as follows:

4 **PART 10**

5 **MOBILE HOME WATER QUALITY**

6 **25-8-1001. Definitions.** AS USED IN THIS PART 10, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "ACTION PLAN" MEANS THE STATEWIDE ACTION PLAN CREATED
9 BY THE DIVISION IN ACCORDANCE WITH SECTION 25-8-1004.

10 (2) "COLORADO ENVIROSCREEN" MEANS THE ENVIRONMENTAL
11 JUSTICE MAPPING TOOL DEVELOPED AND ADMINISTERED BY THE
12 DEPARTMENT AND COLORADO STATE UNIVERSITY, OR ANY SUCCESSOR
13 TOOL.

14 (3) "DEPARTMENT" MEANS THE STATE DEPARTMENT OF PUBLIC
15 HEALTH AND ENVIRONMENT.

16 (4) "DIVISION" MEANS THE WATER QUALITY CONTROL DIVISION IN
17 THE DEPARTMENT.

18 (5) "DIVISION OF HOUSING" MEANS THE DIVISION OF HOUSING IN
19 THE DEPARTMENT OF LOCAL AFFAIRS.

20 (6) "ENVIRONMENTAL JUSTICE" MEANS:

21 (a) THE FAIR TREATMENT AND MEANINGFUL INVOLVEMENT OF ALL
22 PEOPLE, REGARDLESS OF DISABILITY, RACE, CREED, COLOR, RELIGION, SEX,

1 SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL
2 STATUS, FAMILIAL STATUS, NATIONAL ORIGIN, ANCESTRY, VETERAN OR
3 MILITARY STATUS, OR INCOME, WITH RESPECT TO THE DEVELOPMENT,
4 IMPLEMENTATION, AND ENFORCEMENT OF ENVIRONMENTAL LAW; AND

5 (b) PROVIDING THE SAME DEGREE OF PROTECTION FROM
6 ENVIRONMENTAL HEALTH HAZARDS AND EQUAL ACCESS TO THE
7 DECISION-MAKING PROCESS AND ENVIRONMENTAL BENEFITS TO HAVE A
8 HEALTHY ENVIRONMENT IN WHICH TO LIVE, LEARN, AND WORK,
9 REGARDLESS OF DISABILITY, RACE, CREED, COLOR, RELIGION, SEX, SEXUAL
10 ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, MARITAL STATUS,
11 FAMILIAL STATUS, NATIONAL ORIGIN, ANCESTRY, VETERAN OR MILITARY
12 STATUS, OR INCOME.

13 (7) (a) "FINISHED WATER" MEANS WATER THAT IS SUPPLIED TO A
14 DISTRIBUTION SYSTEM OF A MOBILE HOME PARK AND INTENDED FOR
15 DISTRIBUTION AND HUMAN CONSUMPTION.

16 (b) "FINISHED WATER" INCLUDES WATER PRESENT ANYWHERE IN
17 THE DISTRIBUTION SYSTEM, INCLUDING CONSUMER TAPS.

18 (8) "FUND" MEANS THE MOBILE HOME PARK WATER QUALITY FUND
19 CREATED IN SECTION 25-8-1006.

20 (9) "GRANT PROGRAM" MEANS THE MOBILE HOME WATER QUALITY
21 GRANT PROGRAM CREATED IN SECTION 25-8-1005.

22 (10) "LOCAL GOVERNMENT" MEANS:

23 (a) A STATUTORY OR HOME RULE COUNTY, MUNICIPALITY, OR CITY
24 AND COUNTY; OR

25 (b) ANY SPECIAL DISTRICT THAT OWNS OR OPERATES FACILITIES
26 THAT SUPPLY WATER TO OR TAKE WASTEWATER FROM A MOBILE HOME
27 PARK.

1 (11) "MOBILE HOME PARK" OR "PARK" HAS THE MEANING SET
2 FORTH IN SECTION 38-12-201.5 (6).

3 (12) "PARK OWNER" MEANS EACH PERSON THAT OWNS A MOBILE
4 HOME PARK, ACTING INDIVIDUALLY OR JOINTLY, AND THE AGENT OF THE
5 PARK OWNER WITH RESPECT TO MATTERS CONCERNING THE PARK.

6 (13) "OMBUDSPERSON" MEANS THE ENVIRONMENTAL JUSTICE
7 OMBUDSPERSON APPOINTED UNDER SECTION 25-1-134 OR THE
8 OMBUDSPERSON'S DESIGNEE.

9 (14) "REMEDIATION" MEANS THE RESOLUTION OF ALL WATER
10 QUALITY ISSUES OF A FINISHED WATER SOURCE, SO THAT THE FINISHED
11 WATER IS SAFE AND HEALTHY TO DRINK. "REMEDiate" HAS A
12 CORRESPONDING MEANING.

13 (15) "TESTING PROGRAM" MEANS THE PROGRAM TO TEST MOBILE
14 HOME PARK WATER QUALITY CREATED IN ACCORDANCE WITH SECTION
15 25-8-1002 (1)(a).

16 (16) "WATER QUALITY ISSUE" MEANS, WITH REGARD TO FINISHED
17 WATER OR WATER SUPPLY, THAT:

18 (a) THE FINISHED WATER FAILS TO COMPLY WITH THE WATER
19 QUALITY STANDARDS ESTABLISHED IN THIS ARTICLE 8, BY RULE UNDER
20 SECTIONS 25-8-202 AND 25-8-204, OR BY THE UNITED STATES
21 ENVIRONMENTAL PROTECTION AGENCY; OR

22 (b) THE DIVISION HAS MADE A WRITTEN DETERMINATION THAT THE
23 FINISHED WATER OR WATER SUPPLY IS OF SUFFICIENTLY LOW QUALITY TO
24 PRESENT A RISK TO THE WELFARE, HEALTH, OR SAFETY OF INDIVIDUALS
25 WHO CONSUME THE WATER.

26 (17) "WATER SUPPLY" MEANS THE SUPPLY OF A SOURCE OF
27 FINISHED WATER TO A PARK'S RESIDENTS. "WATER SUPPLY" INCLUDES

1 PRIMARY SOURCE WATER, WELLS, RIVERS, WATER SYSTEMS, AND WATER
2 PURCHASED FROM ANOTHER WATER SYSTEM.

3 **25-8-1002. Division duties - testing water quality at mobile**
4 **home parks - parameters of testing - notice of results. (1) Testing**
5 **program.** (a) BY JULY 1, 2024, THE DIVISION SHALL DEVELOP AND BEGIN
6 CONDUCTING A PROGRAM TO TEST THE QUALITY OF FINISHED WATER AT
7 MOBILE HOME PARKS. THE TESTING PROGRAM IS IN ADDITION TO ANY
8 OTHER TESTING PERFORMED PURSUANT TO THIS ARTICLE 8. THE DIVISION
9 MAY CONTRACT WITH THIRD-PARTY ENTITIES TO PERFORM THE TESTING.

10 (b) THE DIVISION SHALL ENSURE THAT MATERIALS, INFORMATION,
11 AND COMMUNICATIONS SHARED WITH MEMBERS OF THE PUBLIC RELATED
12 TO THE TESTING PROGRAM ARE AVAILABLE IN BOTH ENGLISH, SPANISH,
13 AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT THE
14 DIVISION DETERMINES IS NECESSARY TO PROVIDE REASONABLE NOTICE.

15 (c) THE DIVISION SHALL TEST, IN ACCORDANCE WITH THIS SECTION,
16 FINISHED WATER AT:

17 (I) TWENTY-FIVE PERCENT OF THE TOTAL NUMBER OF PARKS BY
18 JULY 1, 2025;

19 (II) FIFTY PERCENT OF THE TOTAL NUMBER OF PARKS BY JULY 1,
20 2026;

21 (III) SEVENTY-FIVE PERCENT OF THE TOTAL NUMBER OF PARKS BY
22 JULY 1, 2027; AND

23 (IV) ONE HUNDRED PERCENT OF THE TOTAL NUMBER OF PARKS BY
24 JULY 1, 2028.

25 (d) (I) THE DIVISION SHALL BEGIN TESTING BY SAMPLING THE
26 FINISHED WATER AND THE WATER SUPPLY AT PARKS THAT REPRESENT
27 GEOGRAPHICALLY DIVERSE LOCATIONS ACROSS COLORADO, BOTH IN

1 URBAN AND RURAL LOCATIONS, BASED ON THE FOLLOWING
2 PRIORITIZATION CRITERIA:

3 (A) PARKS LOCATED IN A CENSUS BLOCK GROUP WHERE AT LEAST
4 FORTY PERCENT OF RESIDENTS IDENTIFY AS A RACIAL OR ETHNIC
5 MINORITY;

6 (B) PARKS AT A HIGHER RISK OF EXPERIENCING CUMULATIVE
7 EFFECTS ON WATER QUALITY BECAUSE THEY ARE LOCATED IN A CENSUS
8 BLOCK GROUP WITH A COLORADO ENVIROSCREEN SCORE ABOVE THE
9 EIGHTIETH PERCENTILE;

10 (C) PARKS WHERE RESIDENTS HAVE REQUESTED TESTING;

11 (D) PARKS WHERE RESIDENTS HAVE SUBMITTED COMPLAINTS
12 ABOUT THE QUALITY OF THE FINISHED WATER TO THE DEPARTMENT, TO
13 THE DIVISION OF HOUSING, OR TO THE OMBUDSPERSON; AND

14 (E) PARKS THAT ARE SUPPLIED WITH FINISHED WATER FROM AN
15 UNREGULATED WATER SUPPLY.

16 (II) THE DIVISION SHALL CREATE A WAITING LIST IF REQUESTS FOR
17 FINISHED WATER TESTING AT PARKS EXCEED THE DIVISION'S CAPACITY FOR
18 CONDUCTING THE TESTING WITHIN THIRTY DAYS AFTER THE REQUEST.

19 (2) **Testing parameters.** (a) IN TESTING THE QUALITY OF
20 FINISHED WATER, THE DIVISION SHALL PRIORITIZE SAMPLING OF FINISHED
21 WATER TO DETERMINE IF THE WATER COMPLIES WITH THE STANDARDS
22 ESTABLISHED UNDER SECTIONS 25-8-202 AND 25-8-204 AND WITH THE
23 MAXIMUM CONTAMINANT LEVELS OR SECONDARY MAXIMUM
24 CONTAMINANT LEVELS ESTABLISHED BY THE UNITED STATES
25 ENVIRONMENTAL PROTECTION AGENCY.

26 (b) FOR EACH PARK WHERE FINISHED WATER IS TESTED, THE
27 DIVISION MAY DETERMINE AND APPROVE A SPECIFIC SAMPLING AND

1 TESTING PLAN AND ADD WATER QUALITY TESTING THE DIVISION
2 DETERMINES IS NECESSARY TO ASSESS THE FINISHED WATER'S SAFETY AND
3 QUALITY, INCLUDING TESTING HARDNESS, IRON, CALCIUM, AND TOTAL
4 DISSOLVED SOLIDS. EACH APPROVED SAMPLING AND TESTING PLAN:

5 (I) MUST INCLUDE ADDITIONAL WATER QUALITY PARAMETERS
6 DESIGNATED BY THE DIVISION TO INCLUDE SAMPLING AND TESTING FOR
7 CHEMICALS WITH HEALTH ADVISORY LEVELS IF THE DIVISION BELIEVES
8 THE CHEMICALS MAY BE PRESENT IN THE FINISHED WATER; AND

9 (II) IS SUBJECT TO REVIEW AND REVISION BY THE DEPARTMENT.

10 (c) THE DIVISION IS AUTHORIZED TO NOT TEST FINISHED WATER AT
11 A PARK FOR A SPECIFIC CONTAMINANT IF INFORMATION EXISTS SHOWING
12 THE CONTAMINANT IS NOT PRESENT IN THE FINISHED WATER.

13 (d) THE DIVISION SHALL REQUIRE THAT ANY SAMPLING AND
14 ANALYSIS PERFORMED IN THE FIELD FOR THE TESTING PROGRAM IS
15 CONDUCTED BY A QUALIFIED PROFESSIONAL, AS DETERMINED BY THE
16 DIVISION.

17 (e) IN IMPLEMENTING THE TESTING PROGRAM, THE DIVISION SHALL:

18 (I) USE THE SAMPLE HOLD TIMES FOR VALID SAMPLING IN
19 ACCORDANCE WITH THE RULES PROMULGATED UNDER SECTIONS 25-8-202
20 AND 25-8-204; AND

21 (II) INTERVIEW RESIDENTS OF PARKS WITH FINISHED WATER THAT
22 HAS AN ABNORMAL COLOR, ODOR, OR TASTE TO DETERMINE THE CAUSE.
23 THE DIVISION SHALL CONDUCT THE INTERVIEWS IN ENGLISH, SPANISH, OR
24 ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT THE DIVISION
25 DETERMINES IS NECESSARY TO CONDUCT THE INTERVIEW.

26 (3) **Notice of test results.** (a) TEST RESULTS OBTAINED IN
27 ACCORDANCE WITH THIS SECTION ARE PUBLIC RECORDS. THE DIVISION

1 SHALL MAKE THE TEST RESULTS ACCESSIBLE AS SOON AS POSSIBLE ON A
2 PUBLIC WEBSITE ON WHICH THE TEST RESULTS MAY BE VIEWED IN
3 ENGLISH, SPANISH, AND ANY OTHER LANGUAGE REQUESTED BY A
4 RESIDENT OR THAT THE DIVISION DETERMINES IS NECESSARY TO PROVIDE
5 REASONABLE NOTICE.

6 (b) (I) WITHIN TEN DAYS AFTER RECEIVING THE TEST RESULTS, THE
7 DIVISION SHALL NOTIFY THE FOLLOWING PERSONS OF THE TEST RESULTS
8 OBTAINED IN ACCORDANCE WITH THIS SECTION FOR EACH PARK:

- 9 (A) THE PARK OWNER;
- 10 (B) THE COUNTY DEPARTMENT OF HEALTH WHERE THE PARK IS
11 LOCATED;
- 12 (C) THE MUNICIPALITY, IF ANY, WHERE THE PARK IS LOCATED;
- 13 (D) THE WATER SUPPLIER; AND
- 14 (E) THE OMBUDSPERSON.

15 (II) IF TEST RESULTS SHOW THAT A PARK'S FINISHED WATER HAS A
16 WATER QUALITY ISSUE, THE DIVISION'S NOTIFICATION DESCRIBED IN
17 SUBSECTION (3)(b)(I) OF THIS SECTION MUST INCLUDE:

- 18 (A) A SUMMARY OF THE TEST RESULTS AND INFORMATION
19 CONCERNING THE AVAILABILITY OF THE COMPLETE TEST RESULTS;
- 20 (B) INFORMATION ABOUT ANY VIOLATION OF WATER QUALITY
21 STANDARDS FOR FINISHED WATER;
- 22 (C) GUIDANCE ABOUT ANY ACTIONS RESIDENTS SHOULD TAKE IN
23 LIGHT OF ANY VIOLATIONS OF WATER QUALITY STANDARDS FOR FINISHED
24 WATER;
- 25 (D) GUIDANCE ABOUT THE REMEDIATION PROCESS, AS DESCRIBED
26 IN SECTION 25-8-1003; AND
- 27 (E) INFORMATION ABOUT THE GRANT PROGRAM.

1 (c) (I) UPON RECEIVING NOTICE OF TEST RESULTS IN ACCORDANCE
2 WITH SUBSECTION (3)(b)(I)(A) OF THIS SECTION, THE PARK OWNER SHALL
3 NOTIFY THE PARK RESIDENTS OF THE TEST RESULTS IN ENGLISH, SPANISH,
4 AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT THE
5 DIVISION DETERMINES IS NECESSARY TO PROVIDE REASONABLE NOTICE
6 AND INCLUDE IN THE NOTICE THE INFORMATION AND GUIDANCE RECEIVED
7 FROM THE DIVISION IN ACCORDANCE WITH SUBSECTION (3)(b)(II) OF THIS
8 SECTION. THE PARK OWNER SHALL USE A PROFESSIONAL TRANSLATOR TO
9 PROVIDE THE NOTICE IN ANY LANGUAGE OTHER THAN ENGLISH. AFTER
10 GIVING THE NOTICE, THE PARK OWNER SHALL CERTIFY TO THE DIVISION
11 THAT THE PARK OWNER HAS NOTIFIED THE RESIDENTS.

12 (II) IN ADDITION TO DIRECTLY NOTIFYING RESIDENTS, A PARK
13 OWNER SHALL ALSO POST THE NOTICE OF TEST RESULTS IN ENGLISH,
14 SPANISH, AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT
15 THE DIVISION DETERMINES IS NECESSARY TO PROVIDE REASONABLE
16 NOTICE IN A CLEARLY VISIBLE LOCATION IN PARK COMMON AREAS,
17 INCLUDING ANY COMMUNITY HALL OR RECREATION HALL. THE NOTICE
18 MUST:

19 (A) REMAIN CLEARLY VISIBLE IN THE COMMON AREA FOR AT LEAST
20 ONE HUNDRED TWENTY DAYS AFTER THE DATE IT IS POSTED; AND

21 (B) USE A TRANSLATION PROVIDED BY A PROFESSIONAL
22 TRANSLATOR.

23 (III) IF A PARK OWNER FAILS TO PROVIDE AND POST THE NOTICE
24 REQUIRED BY SUBSECTIONS (3)(c)(I) AND (3)(c)(II) OF THIS SECTION TO
25 RESIDENTS WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THE NOTICE
26 FROM THE DIVISION, THE PARK OWNER IS SUBJECT TO ENFORCEMENT
27 PURSUANT TO ARTICLE 1 OF TITLE 6.

1 **25-8-1003. Remediation.** (1) IF TESTING CONDUCTED IN
2 ACCORDANCE WITH THE TESTING PROGRAM IDENTIFIES A WATER QUALITY
3 ISSUE IN FINISHED WATER, THE DIVISION:

4 (a) MAY PERFORM OR REQUIRE ADDITIONAL TESTING OF THE
5 FINISHED WATER OR WATER SUPPLY AT THE PARK, AND THIS TESTING MAY
6 INCLUDE CONTINUED TESTING AND TESTING OF MULTIPLE POINTS IN THE
7 WATER SUPPLY;

8 (b) SHALL NOTIFY THE DIVISION OF HOUSING AND THE PERSONS
9 LISTED IN SECTION 25-8-1002 (3)(b)(I);

10 (c) SHALL TIMELY REVIEW THE REMEDIATION PLAN DESCRIBED IN
11 SUBSECTION (2)(c) OF THIS SECTION, AND EITHER:

12 (I) APPROVE THE PLAN; OR

13 (II) DENY THE PLAN WITH A WRITTEN EXPLANATION OF THE
14 REASON THE PLAN WAS DENIED AND MAKE RECOMMENDATIONS FOR
15 ADDRESSING THE REASON THE PLAN WAS DENIED; AND

16 (d) SHALL, WHEN THE WATER QUALITY ISSUE HAS BEEN
17 REMEDIATED, NOTIFY THE DIVISION OF HOUSING.

18 (2) UPON RECEIVING THE NOTICE MADE UNDER SUBSECTION (1)(b)
19 OF THIS SECTION, THE PARK OWNER SHALL:

20 (a) COMPLY WITH ANY ORDERS OF THE DIVISION RELATED TO THE
21 WATER QUALITY ISSUE;

22 (b) NOT IMPOSE THE COST OF COMPLIANCE WITH THIS SUBSECTION
23 (2) ON PARK RESIDENTS;

24 (c) WITHIN NINETY DAYS AFTER RECEIVING THE NOTICE, PREPARE
25 AND SUBMIT TO THE DIVISION A REMEDIATION PLAN, WHICH MUST BE
26 DESIGNED TO ADDRESS THE WATER QUALITY ISSUE DESCRIBED IN THE
27 NOTICE;

1 (d) COMPLETE THE REMEDIATION PLAN BASED ON A SCHEDULE
2 APPROVED BY THE DIVISION; AND

3 (e) CONSULT WITH THE DIVISION AND PROVIDE AN ALTERNATE
4 SOURCE OF DRINKING WATER OR DEPARTMENT-APPROVED FILTERS, IF
5 EITHER ONE OR BOTH ARE NECESSARY, TO ADDRESS ACUTE HEALTH RISKS.

6 (3) TO ADDRESS A WATER QUALITY ISSUE, THE DEPARTMENT MAY
7 ISSUE AN ORDER REQUIRING THE PARK OWNER TO:

8 (a) PERFORM ADDITIONAL WATER TESTING;

9 (b) PERFORM TEMPORARY MEASURES NECESSARY TO ADDRESS
10 ACUTE HEALTH RISKS; OR

11 (c) MAKE ADDITIONAL REPORTS TO THE DIVISION CONCERNING THE
12 WATER QUALITY ISSUE.

13 **25-8-1004. Action plan.** (1) BY MARCH 1, 2026, THE DIVISION
14 SHALL DEVELOP AN ACTION PLAN TO ADDRESS AND IMPROVE WATER
15 QUALITY IN MOBILE HOME PARKS. THE ACTION PLAN MUST BE DESIGNED
16 TO HELP ACHIEVE ENVIRONMENTAL JUSTICE AND MUST COMPLY WITH
17 SUBSECTION (3) OF THIS SECTION.

18 (2) IN DEVELOPING THE ACTION PLAN, THE DIVISION:

19 (a) SHALL CONDUCT OUTREACH TO PARKS TO:

20 (I) GATHER INFORMATION TO DEVELOP THE ACTION PLAN; AND

21 (II) RECEIVE INPUT ABOUT WATER QUALITY CONCERNS, INCLUDING
22 CONCERNS RELATED TO WATER SAFETY, COLOR, ODOR, AND TASTE;

23 (b) SHALL COORDINATE WITH RESIDENTS OF PARKS TO IDENTIFY
24 OPPORTUNITIES TO IMPROVE THE QUALITY OF FINISHED WATER IN AND THE
25 WATER SUPPLY FOR PARKS;

26 (c) SHALL ENSURE THAT COMMUNICATIONS WITH MEMBERS OF THE
27 PUBLIC CONCERNING THE ACTION PLAN ARE AVAILABLE IN ENGLISH,

1 SPANISH, AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT
2 THE DIVISION DETERMINES IS NECESSARY FOR PUBLIC OUTREACH;

3 (d) MAY CONSULT WITH OR COORDINATE WITH THE PARK OWNER,
4 PARK RESIDENTS, NONPROFIT ORGANIZATIONS, PUBLIC INSTITUTIONS OF
5 HIGHER EDUCATION, COUNTY HEALTH DEPARTMENTS, AND THE
6 OMBUDSPERSON;

7 (e) SHALL CONSIDER THE RESULTS OF THE TESTING PROGRAM AND
8 ANY OTHER WATER QUALITY TESTING CONDUCTED TO DATE;

9 (f) SHALL ASSESS WATER SUPPLY INFRASTRUCTURE FOR A
10 SAMPLING OF PARKS BASED ON PRIORITIZATION CRITERIA IN SECTION
11 25-8-1002 (1)(d), AND THIS ASSESSMENT MUST ASSESS FOR THE PRESENCE
12 OF LEAD PIPES OR DECAYING OR AGING PIPES, THE SIZING OF PIPES, AND
13 WATER PRESSURE LEVELS TO DETERMINE IF INFRASTRUCTURE IS IMPAIRING
14 WATER QUALITY; AND

15 (g) SHALL COLLECT RELEVANT DATA ABOUT FINISHED WATER AT
16 PARKS.

17 (3) THE ACTION PLAN MUST:

18 (a) INCLUDE A STATUS REPORT OF THE TESTING PROGRAM
19 CONDUCTED TO DATE, AND THE STATUS REPORT MUST SPECIFY THE
20 NUMBER OF PARKS TESTED AND A SUMMARY OF FINDINGS TO DATE;

21 (b) DEVELOP A STRATEGY TO TEST WATER QUALITY AT ANY PARKS
22 NOT YET TESTED;

23 (c) IDENTIFY OPPORTUNITIES TO IMPROVE THE QUALITY OF
24 FINISHED WATER IN AND THE WATER SUPPLY FOR PARKS, INCLUDING
25 OPPORTUNITIES TO ADDRESS COLOR, TASTE, AND ODOR CONCERNS;

26 (d) IN COOPERATING AND CONSULTING WITH THE DIVISION OF
27 HOUSING, IDENTIFY OPPORTUNITIES FOR POTENTIAL FUNDING TO IMPROVE

1 THE QUALITY OF FINISHED WATER AND THE WATER SUPPLY AND TO
2 ENFORCE THIS PART 10; AND

3 (e) INCLUDE TIMELINES FOR IMPLEMENTATION OF THE ACTION
4 PLAN.

5 (4) THE DIVISION SHALL COORDINATE WITH THE DIVISION OF
6 HOUSING TO IDENTIFY POTENTIAL MONEY, INCLUDING GRANT MONEY
7 FROM THE GRANT PROGRAM, TO SUPPORT REMEDIATION OF A WATER
8 QUALITY ISSUE AT A PARK.

9 **25-8-1005. Mobile home water quality grant program -**
10 **created - grant application and award process - reporting - funding.**

11 (1) (a) THE MOBILE HOME WATER QUALITY GRANT PROGRAM IS CREATED
12 TO PROVIDE GRANTS TO PARK OWNERS AND LOCAL GOVERNMENTS TO
13 ADDRESS WATER QUALITY ISSUES AND WASTEWATER PROBLEMS IN MOBILE
14 HOME PARKS.

15 (b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH
16 THE GRANT PROGRAM TO REMEDIATE WATER QUALITY ISSUES IN A PARK.

17 (2) (a) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM
18 AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
19 PROVIDED IN THIS SECTION.

20 (b) THE DIVISION SHALL, IN COLLABORATION WITH THE DIVISION
21 OF HOUSING, DEVELOP POLICIES TO IMPLEMENT THE GRANT PROGRAM IN
22 ACCORDANCE WITH THIS SECTION. AT A MINIMUM, THE POLICIES MUST
23 SPECIFY:

24 (I) THE DEADLINES FOR APPLYING FOR, AWARDING, AND
25 DISBURSING GRANTS;

26 (II) THE PROCEDURES FOR APPLYING FOR A GRANT;

27 (III) THE CRITERIA USED TO EVALUATE A GRANT APPLICATION;

1 AND

2 (IV) THE CRITERIA FOR DETERMINING THE AMOUNT OF A GRANT.

3 (3) TO RECEIVE A GRANT, A PARK OWNER OR LOCAL GOVERNMENT
4 MUST SUBMIT AN APPLICATION TO THE DIVISION IN ACCORDANCE WITH THE
5 POLICIES DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION. AT
6 A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING
7 INFORMATION:

8 (a) THE NAME OF THE PARK OWNER, LOCAL GOVERNMENT, OR
9 AGENCY OF A LOCAL GOVERNMENT APPLYING FOR THE GRANT;

10 (b) THE PARK THAT WOULD BENEFIT FROM THE GRANT;

11 (c) A REFERENCE TO THE NOTICE RECEIVED IN ACCORDANCE WITH
12 SECTION 25-8-1003 (1)(b) ON THE MOBILE HOME PARK'S WATER QUALITY
13 ISSUE; AND

14 (d) THE PLANNED REMEDIATION TO BE ACCOMPLISHED WITH THE
15 GRANT.

16 (4) (a) THE DIVISION SHALL REVIEW THE APPLICATIONS RECEIVED
17 UNDER THIS SECTION AND SHALL PRIORITIZE FUNDING FOR APPLICATIONS
18 BASED ON:

19 (I) THE SEVERITY OF THE WATER QUALITY ISSUE;

20 (II) THE NUMBER OF PEOPLE AFFECTED BY THE WATER QUALITY
21 ISSUE; AND

22 (III) THE COSTS TO REMEDIATE THE WATER QUALITY ISSUE.

23 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JULY
24 1, 2025, AND ON OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, THE
25 DIVISION SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION AND THE
26 POLICIES ADOPTED IN ACCORDANCE WITH THIS SECTION. THE DIVISION
27 SHALL DISTRIBUTE GRANT MONEY WITHIN ONE HUNDRED TWENTY DAYS

1 AFTER A GRANT IS AWARDED.

2 (5) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE
3 MONEY FROM THE FUND TO THE DEPARTMENT FOR ALLOCATION TO THE
4 DIVISION TO IMPLEMENT THE GRANT PROGRAM. THE DIVISION MAY USE UP
5 TO TEN PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE
6 GRANT PROGRAM TO PAY THE DIRECT AND INDIRECT COSTS THAT THE
7 DIVISION INCURS TO ADMINISTER THE GRANT PROGRAM.

8 **25-8-1006. Mobile home park water quality fund.** (1) THE
9 MOBILE HOME PARK WATER QUALITY FUND IS CREATED IN THE STATE
10 TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN
11 ACCORDANCE WITH SECTION 6-1-112 (3) AND ANY OTHER MONEY THAT
12 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

13 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
15 FUND TO THE FUND.

16 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
17 ASSEMBLY, THE DIVISION MAY EXPEND MONEY FROM THE FUND TO
18 IMPLEMENT THIS PART 10, INCLUDING THE GRANT PROGRAM.

19 **25-8-1007. Enforcement.** (1) THE DIVISION HAS AUTHORITY TO
20 TEST AND REQUIRE REMEDIATION OF PARK FINISHED WATER, REGARDLESS
21 OF THE TYPE OF WATER SOURCE.

22 (2) THE DIVISION MAY ISSUE A CEASE-AND-DESIST ORDER FOR A
23 VIOLATION OF THIS PART 10.

24 (3)(a) IN ACCORDANCE WITH SECTION 6-1-105 (1)(uuu), A PERSON
25 WHO VIOLATES THIS PART 10 IS SUBJECT TO THE "COLORADO CONSUMER
26 PROTECTION ACT", ARTICLE 1 OF TITLE 6.

27 (b) IF A PARK OWNER FAILS TO OBEY A CEASE-AND-DESIST ORDER

1 OR OTHERWISE VIOLATES THIS PART 10, THE DIVISION MAY REQUEST THAT
2 THE ATTORNEY GENERAL ENFORCE THE CEASE-AND-DESIST ORDER OR THIS
3 PART 10 PURSUANT TO ARTICLE 1 OF TITLE 6. UPON RECEIVING THE
4 REQUEST, THE ATTORNEY GENERAL SHALL TAKE APPROPRIATE
5 ENFORCEMENT ACTION PURSUANT TO ARTICLE 1 OF TITLE 6.

6 (c) IF A PARK OWNER THREATENS TO EVICT A PARK RESIDENT FOR
7 FILING A WATER QUALITY COMPLAINT OR FOR REQUESTING REMEDIATION
8 TO ADDRESS A WATER QUALITY ISSUE, THE PARK OWNER HAS VIOLATED
9 SECTION 38-12-203 (3) AND IS SUBJECT TO THE PENALTIES SET FORTH IN
10 SECTION 38-12-203 (3).

11 (4) IF A PARK OWNER FAILS TO DEVELOP A REMEDIATION PLAN OR
12 IMPLEMENT THE REMEDIATION PLAN FOR A PARK AS REQUIRED BY SECTION
13 25-8-1003 (2), THE PARK IS A CLASS 3 PUBLIC NUISANCE SUBJECT TO PART
14 3 OF ARTICLE 13 OF TITLE 16.

15 (5) THIS SECTION DOES NOT PROVIDE AN EXCLUSIVE REMEDY AND
16 DOES NOT LIMIT THE RIGHT OF PARK RESIDENTS TO TAKE LEGAL ACTION
17 AGAINST THE PARK OWNER. EXHAUSTION OF THE ADMINISTRATIVE
18 REMEDY PROVIDED IN THIS SECTION IS NOT REQUIRED BEFORE A RESIDENT
19 MAY BRING A LEGAL ACTION.

20 **25-8-1008. This part 10 does not affect other statutory**
21 **protections.** THIS PART 10 DOES NOT AFFECT OR SUPERCEDE THE
22 PROTECTIONS GRANTED TO PARK RESIDENTS PURSUANT TO OTHER
23 STATUTES, INCLUDING ARTICLE 12 OF TITLE 38. IF A COURT DETERMINES
24 THAT A PROVISION OF THIS PART 10 CONFLICTS WITH A PROVISION OF
25 ARTICLE 12 OF TITLE 38, THE COURT SHALL APPLY THE STATUTE THAT
26 GRANTS THE STRONGER PROTECTION TO THE PARK RESIDENT.

27 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**

1 (1)(uuu) as follows:

2 **6-1-105. Unfair or deceptive trade practices.** (1) A person
3 engages in a deceptive trade practice when, in the course of the person's
4 business, vocation, or occupation, the person:

5 (uuu) FAILS TO REGISTER A MOBILE HOME PARK IN VIOLATION OF
6 SECTION 38-12-1106 OR VIOLATES PART 10 OF ARTICLE 8 OF TITLE 25.

7 **SECTION 3.** In Colorado Revised Statutes, 6-1-112, **amend**
8 (1)(a), (1)(b), and (1)(c); and **add** (3) as follows:

9 **6-1-112. Civil penalties.** (1) The attorney general or a district
10 attorney may bring a civil action on behalf of the state to seek the
11 imposition of civil penalties as follows:

12 (a) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, any
13 person who violates or causes another to violate any provision of this
14 article 1 shall forfeit and pay to the general fund of this state a civil
15 penalty of not more than twenty thousand dollars for each such violation.
16 For purposes of this subsection (1)(a), a violation of any provision shall
17 constitute a separate violation with respect to each consumer or
18 transaction involved.

19 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, any
20 person who violates or causes another to violate any court order or
21 injunction issued pursuant to this ~~article~~ ARTICLE 1 shall forfeit and pay
22 to the general fund of this state a civil penalty of not more than ten
23 thousand dollars for each such violation. For the purposes of this section,
24 the court issuing the order or injunction shall retain jurisdiction, and the
25 cause shall be continued. Upon violation, the attorney general or a district
26 attorney may petition the court for the recovery of the civil penalty. Such
27 civil penalty shall be in addition to any other penalty or remedy available

1 for the enforcement of the provisions of this ~~article~~ ARTICLE 1 and any
2 court order or injunction.

3 (c) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, any
4 person who violates or causes another to violate any provision of this
5 article 1, where such violation was committed against an elderly person,
6 shall forfeit and pay to the general fund of the state a civil penalty of not
7 more than fifty thousand dollars for each such violation. For purposes of
8 this subsection (1)(c), a violation of any provision of this article 1 is a
9 separate violation with respect to each elderly person involved.

10 (3) THE ATTORNEY GENERAL OR DISTRICT ATTORNEY SHALL
11 TRANSMIT ANY CIVIL PENALTY COLLECTED IN ACCORDANCE WITH THIS
12 SECTION FOR A VIOLATION DESCRIBED IN SECTION 6-1-105 (1)(uuu) TO THE
13 STATE TREASURER FOR DEPOSIT IN THE MOBILE HOME PARK WATER
14 QUALITY FUND CREATED IN SECTION 25-8-1006.

15 **SECTION 4.** In Colorado Revised Statutes, 16-13-309, **amend**
16 (4) as follows:

17 **16-13-309. Judgment - relief.** (4) (a) The judgment in an action
18 to abate a class 3 public nuisance may include, in addition to or in the
19 alternative to other injunctive relief, an order requiring the removal,
20 correction, or other abatement of a public nuisance, in whole or in part,
21 by the sheriff, at the expense of the owner or operator of the public
22 nuisance.

23 (b) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 3, A
24 MOBILE HOME PARK THAT HAS BEEN DETERMINED TO BE A CLASS 3 PUBLIC
25 NUISANCE IN ACCORDANCE WITH SECTION 25-8-1007 (4) AND HAS BEEN
26 FORFEITED IN ACCORDANCE WITH THIS PART 3 BECOMES THE PROPERTY OF
27 THE COUNTY WHERE THE MOBILE HOME PARK IS LOCATED, AND THE

1 COUNTY SHALL CONTINUE TO OPERATE THE MOBILE HOME PARK TO
2 PROVIDE AFFORDABLE HOUSING FOR NO FEWER THAN ONE HUNDRED
3 YEARS. DURING THE PENDENCY OF ANY CLASS 3 PUBLIC NUISANCE
4 PROCEEDINGS UNDER THIS PART 3 IN WHICH A VIOLATION OF PART 10 OF
5 ARTICLE 8 OF TITLE 25 IS ALLEGED, THE MOBILE HOME PARK RESIDENTS:

6 (I) MAY REMAIN IN THE MOBILE HOME PARK; AND

7 (II) ARE NOT REQUIRED TO PAY RENT UNTIL THE COUNTY
8 ACQUIRES TITLE TO THE PROPERTY AND BEGINS DEVELOPMENT OF A
9 REMEDIATION PLAN IN ACCORDANCE WITH PART 10 OF ARTICLE 8 OF TITLE
10 25.

11 **SECTION 5.** In Colorado Revised Statutes, 25-1-134, **amend**
12 (1)(d)(IX) and (1)(d)(X); and **add** (1)(d)(XI) as follows:

13 **25-1-134. Environmental justice - ombudsperson - advisory**
14 **board - grant program - definitions - repeal. (1) Environmental**
15 **justice ombudsperson. (d) The ombudsperson shall:**

16 (IX) Consult with the division of administration in reporting to the
17 air quality control commission, created in section 25-7-104, on equitable
18 progress toward the state's greenhouse gas reduction goals; ~~and~~

19 (X) Serve in an advisory capacity, as requested, to other state
20 agencies conducting outreach to and engagement of disproportionately
21 impacted communities in light of a proposed agency action; AND

22 (XI) REPRESENT MOBILE HOME RESIDENTS IN MATTERS OF WATER
23 QUALITY AND WORK WITH RESIDENTS ON SOLUTIONS AND FUNDING TO
24 IMPROVE WATER QUALITY IN ACCORDANCE WITH PART 10 OF ARTICLE 8 OF
25 TITLE 25.

26 **SECTION 6.** In Colorado Revised Statutes, 38-12-201.5, **amend**
27 (3) as follows:

1 **38-12-201.5. Definitions.** As used in this part 2 and in part 11 of
2 this article 12, unless the context otherwise requires:

3 (3) "Management" or "landlord" means the owner OF A MOBILE
4 HOME PARK or person responsible for operating and managing a mobile
5 home park or an agent, employee, or representative authorized to act on
6 the management's behalf in connection with matters relating to tenancy
7 in the park.

8 **SECTION 7.** In Colorado Revised Statutes, 38-12-220, **amend**
9 (1) as follows:

10 **38-12-220. Private civil right of action.** (1) A home owner, a
11 resident, an association of home owners, or a landlord or the assignee of
12 a home owner, a resident, an association of home owners, or a landlord
13 may file a civil action alleging a violation of a rental agreement or of ~~any~~
14 ~~provision~~ of this article 12 OR PART 10 OF ARTICLE 8 OF TITLE 25.

15 **SECTION 8.** In Colorado Revised Statutes, 38-12-509, **amend**
16 (1) as follows:

17 **38-12-509. Prohibition on retaliation.** (1) A landlord shall not
18 retaliate against a tenant by increasing rent or decreasing services or by
19 bringing or threatening to bring an action for possession in response to
20 the tenant:

21 (a) Having made a good faith complaint to the landlord or to a
22 governmental agency alleging a condition described by section 38-12-505
23 (1) or any condition that materially interferes with the life, health, or
24 safety of the tenant; ~~or~~

25 (b) Organizing or becoming a member of a tenants' association or
26 similar organization; OR

27 (c) FILING A WATER QUALITY COMPLAINT OR REQUESTING

1 REMEDIATION TO ADDRESS A WATER QUALITY ISSUE UNDER PART 10 OF
2 ARTICLE 8 OF TITLE 12.

3 **SECTION 9.** In Colorado Revised Statutes, 38-12-1106, **amend**
4 (7)(e) and (7)(f); and **add** (7)(g) as follows:

5 **38-12-1106. Registration of mobile home parks - process - fees.**

6 (7) The registration forms provided by the division must require
7 information necessary to assist the division in identifying and locating a
8 mobile home park and other information that may be useful to the state.
9 A registration is not complete unless the landlord includes all of the
10 information required by the forms provided by the division. The forms
11 must require, at a minimum:

12 (e) The physical address of each mobile home within the mobile
13 home park and the mailing address of the home owner, if the landlord has
14 a different mailing address on file for the home owner; **and**

15 (f) The date and amount of the most recent rent increase for each
16 mobile home lot and each mobile home in the park; **AND**

17 (g) A DESCRIPTION OF THE MOBILE HOME PARK'S WATER SOURCE,
18 INCLUDING THE TYPE OF WATER SOURCE AND THE WATER
19 INFRASTRUCTURE, INCLUDING THE APPROXIMATE AGE OF THE
20 INFRASTRUCTURE.

21 **SECTION 10.** In Colorado Revised Statutes, 38-12-1108, **amend**
22 (1), (2)(c), and (2)(d); and **add** (2)(e) as follows:

23 **38-12-1108. Mobile home park complaint and water issue**
24 **database.** (1) ~~By May 1, 2020,~~ The division shall also create and
25 maintain a database of mobile home parks that have had complaints filed
26 against them under the program OR THAT HAVE AN UNREMIEDIATED WATER
27 QUALITY ISSUE AS DETERMINED PURSUANT TO PART 10 OF ARTICLE 8 OF

1 TITLE 25.

2 (2) At a minimum, the database must include:

3 (c) The violation of law complained of; ~~and~~

4 (d) The outcome of each complaint; AND

5 (e) WHETHER THE MOBILE HOME PARK HAS A WATER QUALITY
6 ISSUE, AS DESCRIBED IN THE NOTICE FROM THE WATER QUALITY CONTROL
7 DIVISION IN ACCORDANCE WITH SECTION 25-8-1003 (1)(b), THAT HAS NOT
8 BEEN REMEDIATED.

9 **SECTION 11. Applicability.** This act applies to offenses
10 committed or conduct occurring on or after the effective date of this act.

11 **SECTION 12. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety.