

CHAPTER 376

HEALTH AND ENVIRONMENT

HOUSE BILL 23-1257

BY REPRESENTATIVE(S) Velasco and Boesenecker, Amabile, Bacon, Bird, Brown, Daugherty, deGruy Kennedy, Dickson, Duran, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, McCormick, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Snyder, Story, Titone, Vigil, Weissman, Willford, Young, McCluskie;
also SENATOR(S) Cutter and Priola, Bridges, Danielson, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Marchman, Moreno, Rodriguez, Sullivan, Winter F., Zenzinger, Fenberg.

AN ACT

CONCERNING WATER QUALITY IN MOBILE HOME PARKS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

PART 10
MOBILE HOME WATER QUALITY

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

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

(b) "FINISHED WATER" INCLUDES DRINKING WATER PRESENT ANYWHERE IN THE DISTRIBUTION SYSTEM.

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

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

(9) "LOCAL GOVERNMENT" MEANS:

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

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

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

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

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

(13) "REMEDIATION" MEANS THE RESOLUTION OF ALL WATER QUALITY ISSUES OF A FINISHED WATER SOURCE, SO THAT THE FINISHED WATER IS SAFE AND HEALTHY TO DRINK. "REMEDIATE" HAS A CORRESPONDING MEANING.

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

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

(a) THE FINISHED WATER FAILS TO COMPLY WITH THE PRIMARY DRINKING WATER QUALITY STANDARDS ESTABLISHED BY RULE UNDER SECTIONS 25-8-202 AND 25-8-204, OR WITH ANY MAXIMUM CONTAMINANT LEVEL ESTABLISHED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; OR

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

(16) "WATER SUPPLY" MEANS THE SUPPLY OF A SOURCE OF FINISHED WATER TO A PARK'S RESIDENTS. "WATER SUPPLY" INCLUDES PRIMARY SOURCE WATER, WELLS, RIVERS, WATER SYSTEMS, AND WATER PURCHASED FROM ANOTHER WATER SYSTEM.

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

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

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

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

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

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

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

(d) (I) THE DIVISION SHALL BEGIN TESTING BY SAMPLING THE FINISHED WATER AND THE WATER SUPPLY AT PARKS THAT REPRESENT GEOGRAPHICALLY DIVERSE LOCATIONS ACROSS COLORADO, BOTH IN URBAN AND RURAL LOCATIONS, BASED ON THE FOLLOWING PRIORITIZATION CRITERIA, NOT LISTED IN ORDER OF IMPORTANCE:

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

(B) PARKS IN A GEOGRAPHIC AREA THAT IS KNOWN TO PRODUCE CONTAMINANTS IN FINISHED WATER BECAUSE OF THE GEOLOGY OF THE GEOGRAPHIC AREA;

(C) PARKS AT A HIGHER RISK OF EXPERIENCING CUMULATIVE EFFECTS ON WATER QUALITY BECAUSE THEY ARE LOCATED IN THE MOST RECENT VERSION OF ITS CENSUS BLOCK GROUP WITH A COLORADO ENVIROSCREEN SCORE ABOVE THE EIGHTIETH PERCENTILE;

(D) PARKS WHERE RESIDENTS HAVE REQUESTED TESTING;

(E) PARKS WHERE RESIDENTS HAVE SUBMITTED COMPLAINTS, INCLUDING CONSIDERATION OF THE LARGEST NUMBER OF COMPLAINTS, ABOUT THE QUALITY OF THE FINISHED WATER TO THE DEPARTMENT, TO THE DIVISION OF HOUSING, OR TO THE OMBUDSPERSON;

(F) PARKS THAT ARE SUPPLIED WITH FINISHED WATER FROM AN UNREGULATED WATER SUPPLY; AND

(G) PARKS THE DIVISION DETERMINES SHOULD BE PRIORITIZED.

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

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

(b) IN DEVELOPING THE TESTING PROGRAM, THE DIVISION SHALL DETERMINE AND APPROVE A SPECIFIC SAMPLING AND TESTING PLAN FOR EACH PARK REQUIRING ANY WATER QUALITY TESTING THAT THE DIVISION DETERMINES IS NECESSARY TO ASSESS THE FINISHED WATER'S SAFETY AND QUALITY AND TO ASSESS PARK RESIDENT CONCERNS IDENTIFIED IN THE INTERVIEWS DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION. THE TESTING MAY INCLUDE:

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

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

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

(c) EACH APPROVED SAMPLING AND TESTING PLAN IS SUBJECT TO REVIEW AND REVISION BY THE DEPARTMENT.

(d) THE DIVISION IS AUTHORIZED TO NOT TEST FINISHED WATER AT A PARK FOR A SPECIFIC CONTAMINANT IF INFORMATION EXISTS SHOWING THE CONTAMINANT IS NOT NEAR OR IN EXCESS OF THE STANDARD IN THE FINISHED WATER OR IF TESTING OF THE CONTAMINANT IS ALREADY REQUIRED BY A PARK'S REGISTRATION AS A PUBLIC WATER SYSTEM.

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

(f) IN IMPLEMENTING THE TESTING PROGRAM, THE DIVISION SHALL:

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

(II) AVOID TESTING WITHIN A MOBILE HOME WITHOUT THE OWNER'S OR RENTER'S CONSENT AND EVALUATE POSSIBLE ALTERNATE TESTING LOCATIONS, INCLUDING PEDESTALS AND SERVICE LINES.

(3) **Notice of test results.** (a) TEST RESULTS OBTAINED IN ACCORDANCE WITH THIS SECTION ARE PUBLIC RECORDS. THE DIVISION SHALL MAKE THE TEST RESULTS ACCESSIBLE AS SOON AS POSSIBLE ON A PUBLIC WEBSITE ON WHICH THE TEST RESULTS MAY BE VIEWED IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT THE DIVISION DETERMINES IS NECESSARY TO PROVIDE REASONABLE NOTICE.

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

(A) THE PARK OWNER;

(B) THE COUNTY DEPARTMENT OF HEALTH WHERE THE PARK IS LOCATED;

(C) THE MUNICIPALITY, IF ANY, WHERE THE PARK IS LOCATED;

(D) THE DIVISION OF HOUSING IN THE DEPARTMENT OF LOCAL AFFAIRS;

(E) THE WATER SUPPLIER; AND

(F) THE OMBUDSPERSON.

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

(A) A SUMMARY OF THE TEST RESULTS AND INFORMATION CONCERNING THE AVAILABILITY OF THE COMPLETE TEST RESULTS;

(B) INFORMATION ABOUT ANY VIOLATION OF WATER QUALITY STANDARDS FOR FINISHED WATER;

(C) GUIDANCE ABOUT ANY ACTIONS RESIDENTS SHOULD TAKE IN LIGHT OF ANY VIOLATIONS OF WATER QUALITY STANDARDS FOR FINISHED WATER;

(D) GUIDANCE ABOUT THE REMEDIATION PROCESS, AS DESCRIBED IN SECTION 25-8-1003; AND

(E) INFORMATION ABOUT THE GRANT PROGRAM.

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

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

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

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

(III) IF A PARK OWNER FAILS TO PROVIDE AND POST THE NOTICE REQUIRED BY SUBSECTIONS (3)(c)(I) AND (3)(c)(II) OF THIS SECTION TO RESIDENTS WITHIN FIVE BUSINESS DAYS AFTER RECEIPT OF THE NOTICE FROM THE DIVISION, THE PARK OWNER IS SUBJECT TO SECTION 38-12-1104 AND PART 2 OF ARTICLE 12 OF TITLE 38.

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

(a) PERFORM OR REQUIRE ADDITIONAL TESTING, IF NECESSARY, OF THE FINISHED WATER OR WATER SUPPLY AT THE PARK, AND THIS TESTING MAY INCLUDE CONTINUED TESTING, TESTING OF MULTIPLE POINTS IN THE WATER SUPPLY OUTSIDE THE MOBILE HOME, AND TESTING OF FLOW RATES AND OF WATER PRESSURE;

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

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

(I) APPROVE THE PLAN; OR

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

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

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

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

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

(c) WITHIN ONE HUNDRED TWENTY DAYS AFTER RECEIVING THE NOTICE, PREPARE AND SUBMIT TO THE DIVISION A REMEDIATION PLAN, WHICH MUST BE DESIGNED TO ADDRESS THE WATER QUALITY ISSUE DESCRIBED IN THE NOTICE AND MUST INCLUDE DEADLINES, WITH STATUS UPDATE REQUIREMENTS, TO ADDRESS THE WATER QUALITY ISSUE;

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

(e) CONSULT WITH THE DIVISION AND PROVIDE A REASONABLE AND SUFFICIENT AMOUNT OF ACCESSIBLE DRINKING WATER OR DEPARTMENT-APPROVED FILTERS, IF EITHER ONE OR BOTH ARE NECESSARY, TO ADDRESS ACUTE HEALTH RISKS.

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

(a) PERFORM ADDITIONAL WATER TESTING;

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

(c) MAKE ADDITIONAL REPORTS TO THE DIVISION CONCERNING THE WATER QUALITY ISSUE; OR

(d) CREATE A REMEDIATION PLAN, IMPLEMENT A REMEDIATION PLAN, OR RESPOND TO THE DIVISION IN CONNECTION WITH A REMEDIATION PLAN.

(4) AN ORDER ISSUED UNDER SUBSECTION (3)(d) OF THIS SECTION BECOMES EFFECTIVE UPON ISSUANCE TO THE PARK OWNER. A PARK OWNER MAY FILE A REQUEST FOR A HEARING, PURSUANT TO SECTION 24-4-105, ON ANY ISSUE RAISED BY THE ORDER IF FILED WITHIN TWENTY DAYS AFTER THE ORDER IS MAILED.

(5) THIS SECTION DOES NOT REQUIRE A PARK OWNER TO REMEDIATE A WATER QUALITY ISSUE WITHIN A MOBILE HOME.

25-8-1004. Action plan. (1) BY MARCH 1, 2026, THE DIVISION SHALL DEVELOP AN ACTION PLAN TO ADDRESS AND IMPROVE WATER QUALITY IN MOBILE HOME PARKS. THE ACTION PLAN MUST COMPLY WITH SUBSECTION (3) OF THIS SECTION.

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

(a) CONDUCT OUTREACH TO PARK RESIDENTS TO:

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

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

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

(c) ENSURE THAT COMMUNICATIONS WITH MEMBERS OF THE PUBLIC CONCERNING THE ACTION PLAN ARE AVAILABLE IN ENGLISH, SPANISH, AND ANY OTHER LANGUAGE REQUESTED BY A RESIDENT OR THAT THE DIVISION DETERMINES IS NECESSARY FOR PUBLIC OUTREACH;

(d) CONSULT WITH OR COORDINATE WITH SOME OR ALL OF THE FOLLOWING ENTITIES: THE PARK OWNER, PARK RESIDENTS, NONPROFIT ORGANIZATIONS, PUBLIC INSTITUTIONS OF HIGHER EDUCATION, THE WATER PROVIDER, COUNTY HEALTH DEPARTMENTS, AND THE OMBUDSPERSON;

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

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

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

(3) THE ACTION PLAN MUST:

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

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

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

(d) IN COOPERATING AND CONSULTING WITH THE DIVISION OF HOUSING, IDENTIFY OPPORTUNITIES FOR POTENTIAL FUNDING TO IMPROVE THE QUALITY OF FINISHED WATER AND THE WATER SUPPLY AND TO ENFORCE THIS PART 10;

(e) INCLUDE TIMELINES FOR IMPLEMENTATION OF THE ACTION PLAN; AND

(f) INCLUDE A WRITTEN DESCRIPTION OF HOW PARK RESIDENT FEEDBACK WAS AND WAS NOT INCORPORATED.

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

25-8-1005. Mobile home water quality grant program - created - grant application and award process - reporting - funding. (1) (a) THE MOBILE HOME WATER QUALITY GRANT PROGRAM IS CREATED TO PROVIDE GRANTS TO PARK OWNERS, NONPROFIT ENTITIES, AND LOCAL GOVERNMENTS TO ADDRESS WATER QUALITY ISSUES AND WASTEWATER PROBLEMS IN MOBILE HOME PARKS.

(b) GRANT RECIPIENTS MAY USE THE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO REMEDIATE WATER QUALITY ISSUES IN A PARK OR, SUBJECT TO DIVISION APPROVAL, IMPROVE WATER QUALITY IN A PARK.

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

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

(I) THE DEADLINES FOR APPLYING FOR, AWARDED, AND DISBURSING GRANTS;

(II) THE PROCEDURES FOR APPLYING FOR A GRANT;

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

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

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

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

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

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

(d) THE PLANNED REMEDIATION OR IMPROVEMENT TO BE ACCOMPLISHED WITH THE GRANT.

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

(I) THE SEVERITY OF THE WATER QUALITY ISSUE;

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

(III) THE COSTS TO REMEDIATE THE WATER QUALITY ISSUE OR IMPROVE WATER QUALITY.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, ON OR BEFORE JULY 1, 2025, AND ON OR BEFORE JULY 1 OF EACH YEAR THEREAFTER, THE DIVISION SHALL AWARD GRANTS AS PROVIDED IN THIS SECTION AND THE POLICIES ADOPTED IN ACCORDANCE WITH THIS SECTION.

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

25-8-1006. Mobile home park water quality fund. (1) THE MOBILE HOME PARK WATER QUALITY FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN ACCORDANCE WITH SECTION 25-8-1007 (3) AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

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

(3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DIVISION SHALL, AS NECESSARY TO ADDRESS A PARK'S WATER QUALITY ISSUES OR IMPROVE A PARK'S WATER QUALITY, EXPEND MONEY FROM THE FUND TO IMPLEMENT THIS PART 10, INCLUDING THE GRANT PROGRAM.

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

(2) THE DIVISION SHALL, AS NECESSARY TO ADDRESS A PARK'S WATER QUALITY ISSUES, ISSUE A CEASE-AND-DESIST ORDER FOR A VIOLATION OF THIS PART 10 IN ACCORDANCE WITH SECTION 25-8-605.

(3) (a) IF THE PARK OWNER FAILS TO COMPLY WITH CEASE-AND-DESIST ORDER, CREATE A REMEDIATION PLAN, IMPLEMENT A REMEDIATION PLAN, OR RESPOND TO THE DIVISION IN CONNECTION WITH A REMEDIATION PLAN, THE DIVISION MAY IMPOSE A CIVIL PENALTY OF UP TO TEN THOUSAND DOLLARS PLUS AN ADDITIONAL FIVE THOUSAND DOLLARS FOR EACH FULL CALENDAR MONTH AFTER THE FIRST CALENDAR MONTH FOR WHICH THE VIOLATION CONTINUES. THE DIVISION MUST IMPOSE A CIVIL PENALTY IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24.

(b) THE DIVISION SHALL TRANSFER A CIVIL PENALTY COLLECTED PURSUANT TO THIS SUBSECTION (3) TO THE STATE TREASURER, WHO SHALL CREDIT THE CIVIL PENALTY TO THE FUND.

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

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

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

SECTION 2. In Colorado Revised Statutes, 6-1-105, **add** (1)(dddd) as follows:

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

(dddd) FAILS TO REGISTER A MOBILE HOME PARK IN VIOLATION OF SECTION 38-12-1106.

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

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

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

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

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

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

SECTION 4. In Colorado Revised Statutes, 24-31-101, **amend** (1)(s) and (1)(t); and **add** (1)(u) as follows:

24-31-101. Powers and duties of attorney general. (1) The attorney general:

(s) May bring or intervene in a civil action, conduct investigations, and issue civil investigation demands pursuant to the "Colorado False Claims Act", part 12 of this article 31; **and**

(t) May bring a civil action to enforce section 25-7-144; **AND**

(u) **MAY**, IF THE ATTORNEY GENERAL HAS REASON TO BELIEVE THAT A VIOLATION OF A STATUTE OR RULE IS CAUSING AN IMMINENT AND SUBSTANTIVE ENDANGERMENT TO THE PUBLIC HEALTH, WATER QUALITY, OR ENVIRONMENT WITHIN A MOBILE HOME PARK, REQUEST A TEMPORARY RESTRAINING ORDER, PRELIMINARY INJUNCTION, PERMANENT INJUNCTION, OR ANY OTHER RELIEF NECESSARY TO PROTECT THE PUBLIC HEALTH, WATER QUALITY, OR ENVIRONMENT.

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

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

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

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

(XI) **ADVOCATE FOR AND LIAISE WITH MOBILE HOME RESIDENTS IN MATTERS OF WATER QUALITY AND WORK WITH RESIDENTS ON SOLUTIONS AND FUNDING TO IMPROVE WATER QUALITY IN ACCORDANCE WITH PART 10 OF ARTICLE 8 OF TITLE 25.**

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

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

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

SECTION 7. In Colorado Revised Statutes, 38-12-204, **amend** (4) introductory portion, (4)(b), and (4)(c); and **add** (4)(d) as follows:

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

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

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

(d) HAS FAILED TO COMPLY WITH A PROVISION OF SECTION 25-8-1003 (2) AND THE APPLICABLE DEADLINE TO COMPLY WITH THE PROVISION HAS PASSED.

SECTION 8. In Colorado Revised Statutes, 38-12-212.3, **amend** (2)(b)(III) and (2)(b)(IV); and **add** (2)(b)(V) as follows:

38-12-212.3. Responsibilities of landlord - acts prohibited. (2) In addition to the responsibilities described in subsection (1)(a) of this section, a landlord is responsible for:

(b) The premises, including:

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

(IV) Maintaining trees on the premises in a manner that protects the safety of residents of the park and their property, including the preservation of healthy, mature trees that home owners reasonably expected to remain on the premises when they signed their rental agreements, so long as such preservation does not pose a safety risk to any person, property, or infrastructure; AND

(V) COMPLYING WITH THE PROVISIONS OF PART 10 OF ARTICLE 8 OF TITLE 25.

SECTION 9. In Colorado Revised Statutes, 38-12-212.5, **amend** (2)(d) and (2)(e); and **add** (2)(f) and (6) as follows:

38-12-212.5. Prohibition on retaliation and harassment - definition.

(2) Except as described in subsection (3) of this section, in an action or administrative proceeding by or against a home owner or resident, the management's action is presumed to be retaliatory if, within the one hundred twenty days preceding the management's action, the home owner or resident:

(d) Made any other effort to secure or enforce any of the rights or remedies provided by this part 2 or any other provision of law; ~~or~~

(e) Participated in a vote or decision-making process concerning the opportunity to purchase the mobile home park pursuant to section 38-12-217; OR

(f) FILED A WATER QUALITY COMPLAINT OR REQUESTED REMEDIATION TO ADDRESS A WATER QUALITY ISSUE UNDER PART 10 OF ARTICLE 8 OF TITLE 25.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "ORGANIZING" INCLUDES:

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

(b) DISTRIBUTION OF FLYERS OR OTHER PROMOTIONAL OR EDUCATIONAL MATERIALS RELATED TO TENANT ORGANIZATION EFFORTS.

SECTION 10. In Colorado Revised Statutes, 38-12-220, **amend** (1); and **add** (5) as follows:

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

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

SECTION 11. In Colorado Revised Statutes, 38-12-1106, **amend** (7)(e); and **add** (7)(g) and (7)(h) as follows:

38-12-1106. Registration of mobile home parks - process - fees. (7) The registration forms provided by the division must require information necessary to assist the division in identifying and locating a mobile home park and other information that may be useful to the state. A registration is not complete unless the landlord includes all of the information required by the forms provided by the division. The forms must require, at a minimum:

(e) The physical address of each mobile home within the mobile home park and

the mailing address of the home owner, if the landlord has a different mailing address on file for the home owner; ~~and~~

(g) A DESCRIPTION OF THE MOBILE HOME PARK'S WATER SOURCE, INCLUDING THE TYPE OF WATER SOURCE; AND

(h) THE METHOD FOR CHARGING RESIDENTS FOR WATER AND SEWER, WHETHER WATER AND SEWER CHARGES ARE INCLUDED IN RENT, SUBMETERED, OR BY OTHER COLLECTION MEANS.

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

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

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

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

(d) The outcome of each complaint; AND

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

SECTION 13. Appropriation. (1) For the 2023-24 state fiscal year, \$3,611,859 is appropriated to the mobile home park water quality fund created in section 25-8-1006 (1), C.R.S. This appropriation is from the general fund. The department of public health and environment is responsible for the accounting related to this program.

(2) For the 2023-24 state fiscal year, \$3,407,448 is appropriated to the department of public health and environment. This appropriation is from reappropriated funds in the mobile home park water quality fund under subsection (1) of this section. To implement this act, the department may use the appropriation for as follows:

(a) \$1,065,779 for use by the water quality control division for administration, which amount is based on an assumption that the division will require an additional 10.8 FTE;

(b) \$2,303,603 for use by the water quality control division for personal services related to the drinking water program; and

(c) \$38,066 for the purchase of legal services.

(3) For the 2023-24 state fiscal year, \$38,066 is appropriated to the department of law. This appropriation is from reappropriated funds received from the

department of public health and environment under subsection (2) of this section and is based on an assumption that the department of law will require an additional 0.2 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of public health and environment.

(4) For the 2023-24 state fiscal year, \$136,885 is appropriated to the mobile home park act dispute resolution and enforcement program fund created in section 38-12-1110(1), C.R.S. This appropriation is from the general fund. The department of local affairs is responsible for the accounting related to this program.

SECTION 14. Applicability. This act applies to offenses committed or conduct occurring on or after the effective date of this act.

SECTION 15. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 5, 2023