

DEPARTMENT OF LOCAL AFFAIRS

Division of Housing

8 CCR 1302-15

Mobile Home Park Act Dispute Resolution & Enforcement Program

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

AUTHORITY

Pursuant to section 38-12-1104(2)(j), C.R.S.

SCOPE AND PURPOSE

To implement and clarify the Mobile Home Park Act, Title 38, Article 12, Part 2 of the Colorado Revised Statutes (C.R.S.), and the Mobile Home Park Act Dispute Resolution And Enforcement Program, Title 38, Article 12, Part 11, C.R.S., pursuant to statutory authority and changes made through House Bill 19-1309 Creating the Mobile Home Park Act Dispute Resolution and Enforcement Program (effective May 23, 2019), HB20-1196 Mobile Home Park Act Updates (effective June 30, 2020), and HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020).

RULE 1. DEFINITIONS

In addition to the definitions provided in sections 38-12-201.5 and 38-12-1103, C.R.S., the following definitions apply to enforcement of the Act (Part 2 of Article 12 of Title 38) and the Program (Part 11 of Article 12 of Title 38):

- 1.1 "Mobile home" as defined ~~pursuant to~~ section 38-12-201.5(~~52~~), C.R.S., includes a factory-built residential structure (modular home) if it is situated in a mobile home park and has all of the characteristics of a "mobile home" described in section 38-12-201.5(5)(a), C.R.S. (including being built on a permanent chassis); any pre-1976 mobile home; and any manufactured home constructed to the federal standards on or after June 15, 1976, ~~or any combination of the three.~~
- 1.2 "Mobile home park" as defined ~~pursuant to~~ section 38-12-201.5(~~36~~), C.R.S., does not include a park that:
 - A. ~~R~~ents lots to camper coaches, camper trailers, fifth wheel trailers, motor homes, recreational park trailers, recreational vehicles, travel trailers, or truck campers, unless it also rents space to five (5) or more occupied "mobile homes" as defined ~~by~~ in section 38-12-201.5(~~25~~), C.R.S., and Rule 1.1 of these rules.
 - B. Is owned by a government entity, federally recognized tax-exempt charitable organization registered with the Colorado Secretary of State, or a Community Land Trust, provided that the park is not operated for the pecuniary benefit of the owner of the parcel of land or the owner's agents, lessees, or assignees pursuant to section 38-12-201.5(6), C.R.S.
- 1.3 "Mobile home subdivision" or "manufactured home subdivision" as used in section 38-12-201.5(~~36~~), C.R.S., means any parcel of land that is divided into two or more parcels, separate interests, or interests in common, where each parcel or interest is owned by separate owners who own both the mobile home and the land underneath the mobile home, except when the same

owner owns two or more subdivided parcels or interests that are collectively used for the continuous accommodation of five (5) or more occupied mobile homes and operated for the pecuniary benefit of the owner of the parcel of land, their agents, lessees, or assignees.

1.3.1 Pursuant to section 38-12-201.5(36), C.R.S., “mobile home park” does not include property zoned by a local government for manufactured home subdivisions or mobile home subdivisions.

~~1.2 “Retaliatory action(s)” as used in section 38-12-1105(13), C.R.S., means threats, acts of harassment, or acts of harm or injury that may include, but are not limited to the following:~~

- ~~A. Increasing rent or decreasing services in a selective, unequal, or non-uniform way;~~
- ~~B. Issuing mandatory fees in a selective, unequal, or non-uniform way;~~
- ~~C. Issuing warnings/citations/fines that are not justified;~~
- ~~D. Serving notices or threatening eviction when not justified;~~
- ~~E. Billing for something not previously billed in a selective, unequal, or non-uniform way;~~
- ~~F. Creating or modifying rules/requirements that are not reasonably related to legitimate purposes;~~
- ~~G. Selectively enforcing rules/requirements;~~
- ~~H. Conducting management visits that are unjustified;~~
- ~~I. Conducting surveillance targeted at a complainant that is unjustified; or~~
- ~~J. Reporting or publicizing damaging information about a complainant that is not germane toward determining park rule violations or violations of the Act or Program, or necessary to protect the health and safety of the mobile home park’s landlord(s), home owners, or other residents.~~

~~1.4 “New mobile home park or manufactured housing community development” as used in section 38-12-215(1)-(2), C.R.S., and “new park” as used in section 38-12-1106(9), C.R.S., does not include:~~

- ~~A. The addition of a “mobile home space(s),” as defined in section 38-12-201.5(7), C.R.S., to an existing mobile home park, as defined in section 38-12-201.5(6), C.R.S., and Rule 1.2 of these rules;~~
- ~~B. The sale, transfer, or conveyance of an existing mobile home park to a new owner(s); nor~~
- ~~C. The merger of two or more existing mobile home parks.~~

~~1.5 “Occupied mobile homes” as used in sections 38-12-201.5(6) and 38-12-217(4)(c), C.R.S., and Rules 1.2(A), 1.3, and 2.2(H) of these rules means mobile homes for which the management or landlord:~~

- ~~A. Has a rental agreement with a tenant for the home or lot; or~~
- ~~B. Is receiving rent payments for the home or lot from a tenant or a third party.~~

1.6 “Vacant mobile homes” as used in Rule 2.2(I) of these rules means mobile homes for which the management or landlord:

A. Does not have a rental agreement with a tenant for the home or lot; and

B. Is not receiving rent payments for the home or lot from a tenant or a third party.

RULE 2. REGISTRATION REQUIREMENTS

2.1 Initial Registration – for new mobile home parks must occur within three (3) months of the availability of five (5) or more mobile home lots for rent within a new park.

2.1.1 ~~The “management” or~~ A “landlord” as defined ~~pursuant to~~ section 38-12-201.5(4-53), C.R.S., ~~and~~ who is designated as the primary contact for the mobile home park must file a registration form including full payment on behalf of the park with the Division.

2.2 Required Information – as part of the registration process, a mobile home park must provide the following information in addition to the information required under section 38-12-1106(7), C.R.S.:

~~A. The mailing address, phone number, and email address (if available) of the landlord designated as the primary contact for the mobile home park;~~

~~B. The physical address, phone number, and website address (if available) of the mobile home park;~~

~~B. The type of zoning or zoning district that applies to the mobile home park (if any);~~

~~C. The business name (if any), business contact name or owner name, mailing address, phone number, and email address (if any) of the owner of the mobile home park;~~

~~D. The business name (if any), business contact name or manager name, mailing address, phone number, and email address (if any) of the management of the mobile home park, if different from the owner of the mobile home park;~~

~~E. Identify which individual or business – the park owner or management – is designated as the primary contact for the mobile home park;~~

~~F. The physical address of each mobile home;~~

~~DG. Identify which homes are independently owned by a tenant home owner and which homes are versus any owned by the mobile home park landlord;~~

~~EH. The total number of occupied mobile homes; and~~

~~FJ. The total number of vacant mobile homes;~~

~~J. If the park is owned by a business entity, whether that business is owned by another business entity (i.e. a parent company);-~~

~~K. If the park is managed by a business entity, whether that business is owned by another business entity (i.e. a parent company);~~

- L. If the business entity that owns the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - M. If the business entity that manages the park is owned by another business entity (i.e. a parent company), the business name, first and last name of a contact person, mailing address, phone number, and email address (if any) for the parent company;
 - N. If the park does business under any other name(s), the "Doing Business As (DBA)" name(s) and the Secretary of State Identification Number(s) for that DBA(s) (if any); and
 - O. The signature of the management or landlord designated as the primary contact for the mobile home park.
- 2.3 Complete, Accurate, and Truthful Information Required – Initial registration and registration renewal forms filed pursuant to section 38-12-1106(4), C.R.S., and Rules 2.1, 2.2, and 2.5 of these rules must be complete, accurate, and truthful and include all attachments and supplementation information. The Division may not accept incomplete applications.
- 2.4 Registration Delinquency Fee – Landlords who do not submit complete, accurate, and truthful information on their initial registration or registration renewal forms may be subject to a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules.
- 2.5 Expiration Date – will be one year from the first day of the following month after registration approval by Division staff, i.e. February 1, 2021 if approved in January of 2020, and must be renewed by that date if still operating as a mobile home park.
- 2.64 If any of the provided information required in Rules 2.2(A), ~~(C), or and Rule 2.2(DB)~~ of these rules changes between the time of initial registration and renewal, or between registration renewals, the management or landlord is required to notify the Division within thirty (30) calendar days of the change to ensure timely delivery of registration renewal updates.
- 2.75 Fee - Pursuant to section 38-12-1106(8), C.R.S., for the 2021 calendar year, \$24.00 must be paid by the mobile home park for each mobile home independently owned by a tenant home owner on rented land within the park.
- 2.75.1 Pursuant to section 38-12-1106(8), C.R.S., ~~a~~the management or landlord may charge a home owner not more than half of the registration fee annually. If the management or landlord attempts to recoup up to 50 percent% of this fee from the home owner, the management or landlord must:
- A. Notify the home owner in writing at least 60 calendar days before the management or landlord expects the home owner to pay the additional fee, or a longer time period if required by the home owner's lease; and
 - B. Do so in a clear and consistent manner within one (1) year of paying the registration fee to the Division.

RULE 3. DISPUTE RESOLUTION AND ENFORCEMENT

- 3.1 If a complaint is filed in writing pursuant to section 38-12-1105(1), C.R.S., it must be transmitted to the Division on a Division-approved form~~-or containing substantially the same information as is found on the Division form.~~

3.2 A home owner acting in the capacity of a “complainant” as defined in section 38-12-1103(2), C.R.S., may file a complaint on behalf of their tenant if they are leasing their mobile home and the renter has experienced and communicated an alleged violation of the Act or Program to the home owner, provided that the home owner has made it clear in the complaint that it is being filed in a representative capacity.

~~3.3 A landlord's actions will be presumed retaliatory if the mobile home park takes an action, including, but not limited to, the ones listed in Rule 1.4 of these rules, and takes such action between the time the home owner expresses an intention to the landlord to file a complaint with the Division or files a complaint against the landlord with the Division, up until six (6) months after the Division has closed the complaint.~~

~~3.3.1~~ Before imposing a penalty under section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules, the Division will give the management or landlord an opportunity to rebut ~~the a~~ presumption of retaliation with sufficient evidence of a non-retaliatory purpose pursuant to section 38-12-212.5(4), C.R.S.

3.3.12 As used in section 38-12-212.5(4), C.R.S. and Rule 3.3.1 of these rules, “sufficient evidence” means a preponderance of the evidence.

~~3.3.23~~ The presumption of retaliation under Rule 3.3 of these rules will not apply to cases where the landlord addresses nonpayment of rent pursuant to section 38-12-204, C.R.S. The Division will consider as sufficient evidence of a nonretaliatory purpose, when provided by the management or landlord in response to a retaliation complaint, evidence including, but not limited:

A. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(i), C.R.S., evidence that the management is asking all tenants on a particular rental agreement to update a specific section(s) of their existing rental agreement, to bring that section(s) of the rental agreement into compliance with federal, state, or local law;

B. In response to an allegation of retaliatory action pursuant to section 38-12-201.5(12)(k), C.R.S., evidence that:

i. The management or landlord reported, to an appropriate government agency, home owner conduct on park premises that materially harmed or threatened real or personal property or the health, safety, or welfare of one or more individuals or animals, including pet animals; or

ii. The information reported to a government agency was, to the management or landlord's knowledge, truthful and relevant to an ongoing investigation by that federal, state, or local government agency.

3.4 A landlord found to be in violation of the Act or Program ~~cannot shall not~~ pass on the costs of any remedial action(s), including penalties, fines, or fees, required by the Division or an Administrative Law Judge in a Final Agency Order to any home owner.

3.4.1 The costs of remedial action(s) include, but are not limited to, attorney fees, witness fees, and other legal fees and costs incurred by a landlord related to a complaint filed pursuant to section 38-12-1105(1), C.R.S., or an investigation by the Division of an alleged violation of the Program (Title 38, Article 12, Part 11, C.R.S.). A landlord shall not pass on such costs to a home owner, notwithstanding any language to the contrary in a rental agreement.

- 3.5 The following deadlines are in calendar days:
- A. Respond to a subpoena within fourteen (14) days pursuant to section 38-12-1105(3)(a), C.R.S.
 - B. Comply with the requirements of a Notice of Violation within seven (7) days of it becoming a Final Agency Order pursuant to section 38-12-1105(5), C.R.S.
 - C. A landlord must notify the Division within thirty (30) days of a change in the ownership of the mobile home park pursuant to section 38-12-1106(5), C.R.S.
- 3.6 Pursuant to section 24-72-204(2)(a)(IX), C.R.S., any records of ongoing administrative investigations conducted by the Division of Housing in furtherance of its statutory authority to protect the public health, welfare, or safety are not subject to a request filed under the Colorado Open Records Act (CORA) during the pendency of the investigation and dispute resolution process.
- 3.7 Pursuant to section 38-12-1105(1), C.R.S., two or more home owners may file a complaint against the management or landlord~~(s)~~ of their mobile home park with the Division alleging similar or related violations of the Act or Program. The management orA landlord~~(s)~~ of a mobile home park may also file a complaint against two or more home owners in the same park with the Division alleging similar or related violations of the Act or Program.
- 3.8 When filing a complaint with the Division under section 38-12-1105(1), C.R.S., aggrieved parties are not required to allege what specific statutory section(s) of the Act or Program have been violated. The Division will apply the appropriate reference(s) to statute or rule upon review of the information provided in the complaint form and any additional information provided to the Division in connection with the complaint.
- 3.9 Pursuant to section 38-12-214(3)(a), C.R.S., when a home owner files a complaint with the Division within sixty (60) days after receiving a written notice of the management's intent to add or amend any written rule or regulation, alleging that a new or amended park rule or regulation will increase a cost to the home owner in an amount that equals or exceeds ten percent of the home owner's monthly rent obligation:
- 3.9.1 The Division will notify the management of the complaint and the specific rule(s), regulation(s), or amendment(s) being challenged in the complaint.
- 3.9.2 The management shall not engage in any action to enforce the challenged rule(s), regulation(s), or amendment(s) against any resident – whether in the same park or in another park subject to the same rule, regulation, or amendment – unless and until the parties to the complaint reach an agreement or the dispute resolution process concludes as described in section 38-12-214(3)(a), C.R.S.
- 3.9.3 Once the management receives notice from the Division of a complaint described in Rule 3.9 of these rules, the management shall notify all affected residents in writing within fourteen (14) calendar days that the management will not enforce the challenged rule(s), regulation(s), or amendment(s) until further notice.
- 3.9.4 Unless otherwise prohibited by law, the management may enforce the other new or amended rules or regulations against residents that are not the subject of any complaint(s) described in Rule 3.9 of these rules, after the sixty (60) day written notice period expires.

RULE 4. PENALTIES

4.1 The Division will apply the following criteria when assessing ~~an amount of a monetary penalty authorized by statute for violating either the Act or Program~~ a registration delinquency fee pursuant to section 38-12-1106(9), C.R.S., and Rule 4.2 of these rules, a penalty for failure to appropriately post, maintain, or provide copies of the required Home Owner Notice pursuant to section 38-12-1104(2)(d), C.R.S., and Rule 4.3 of these rules, or a penalty for taking any "retaliatory action(s)" against a home owner pursuant to section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules:

- A. The ~~s~~Severity of the violation;
- B. The ~~t~~ype of violation;
- C. The ~~d~~uration of the violation;
- D. Whether the person ~~or~~ entity committed repeated violations;
- E. ~~Whether the person or entity submitted complete, accurate, and truthful information to the Division;~~ and
- F. Any other mitigating or aggravating circumstances, including ~~the~~ impact on others, cooperation with the investigation process, and ~~the~~ sufficiency ~~of the penalty~~ to deter future violations.

4.24 The Division will scale any registration delinquency fees assessed under section 38-12-1106(9), C.R.S., as follows:

- A. First offense, may be fined up to \$3,000.
- B. Second offense, may be fined up to \$4,000.
- C. Third or subsequent offense, may be fined up to \$5,000.

4.32 The Division will scale any penalties assessed under section 38-12-1104(2)(d), C.R.S., for failing to appropriately post, ~~maintain, or provide copies of~~ the required Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in the ~~time frame, manner, and~~ locations provided in section 38-12-1104(2)(c), C.R.S., and Rule 5 of these rules, as follows:

- A. First offense, may be fined up to \$3,000.
- B. Second offense, may be fined up to \$4,000.
- C. Third or subsequent offense, may be fined up to \$5,000.

~~4.3 The Division will scale any penalties assessed under section 38-12-1105(5), C.R.S., for failing to comply with the requirements of a Notice of Violation as follows:~~

- ~~A. First offense, may be fined up to \$3,000, per violation per day.~~
- ~~B. Second offense, may be fined up to \$4,000, per violation per day.~~
- ~~C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.~~

4.4 The Division will scale any penalties assessed under section 38-12-1105(13), C.R.S., for taking any “retaliatory action(s)” against a home owner, as defined in [section 38-12-201.5\(12\), C.R.S., Rule 1.4](#) and further clarified in [section 38-12-212.5, C.R.S., and](#) Rule 3.3 of these rules, as follows:

- A. First offense, may be fined up to \$5,000.
- B. Second offense, may be fined up to \$7,500.
- C. Third or subsequent offense, may be fined up to \$10,000.

~~4.53~~ The Division will scale any penalties assessed under section 38-12-1105(5), C.R.S., for failing to comply with the requirements of a Notice of Violation as follows:

- A. First offense, may be fined up to \$3,000, per violation per day.
- B. Second offense, may be fined up to \$4,000, per violation per day.
- C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.

RULE 5. HOME OWNER NOTICE REQUIREMENTS

5.1 Pursuant to [section 38-12-1104\(2\)\(c\), C.R.S.,](#) ~~a-the management or~~ landlord must post and maintain the Home Owner Notice described in section 38-12-1104(2)(a), C.R.S., in a clearly visible and accessible location in every common area of the mobile home park, including every community hall, recreation hall, and clubhouse. ~~A-The management or~~ landlord must post this Home Owner Notice in a form authorized by the Division within ~~one (1) week~~ seven (7) calendar days of receiving the Home Owner Notice from the Division.

5.1.1 If there is no community hall, recreation hall, or clubhouse in the mobile home park, the ~~management or~~ landlord must post and maintain the Home Owner Notice, in a clearly visible and accessible location, at every location of another type of physical common area in the park. The types of common areas where ~~a-the management or~~ landlord may post and maintain the Home Owner Notice include, but are not limited to:

- A. Rent payment drop boxes;
- B. Resident mailboxes;
- C. Management offices;
- D. Park entrances; or
- E. Dumpsters provided for use by residents.

5.1.2 If there are no physical common areas in the park the same as or similar to those described in Rule 5.1 and 5.1.1 of these rules, ~~the management or~~ landlord may post and maintain the Home Owner Notice on the mobile home park’s online rent payment portal or other website intended for use by residents.

5.1.3 In addition to complying with Rules 5.1, 5.1.1, and 5.1.2, ~~a-the management or~~ landlord must provide the Home Owner Notice in an accessible format for any home owner with disabilities (e.g. Braille or audio recording) upon request. These formats are available to the management or landlord from the Division by request.

- 5.2 In addition to complying with Rules 5.1 and 5.3 of these rules, the management or landlord must provide a copy of the required Home Owner Notice to each individual home owner within ~~one (1) week~~ seven (7) calendar days of receiving the Home Owner Notice from the Division and on an annual basis, by posting it on the door of every home owner's mobile home or mailing it to each home owner at either the address provided in the rental agreement or the most recent mailing address of the home owner on file with the management or landlord.
- 5.2.1 As an alternative to Rule 5.2, ~~a~~ the management or landlord may email a copy of the Home Owner Notice to a home owner(s) only if the home owner has an email address on file with the management or landlord, and the management or landlord regularly uses that email address for other communications with the home owner, like rent payment or maintenance notices.
- 5.3 In addition to complying with Rules 5.1 and 5.2 of these rules, the management or landlord must also provide a copy of the required Home Owner Notice with each new lease executed with a home owner.
- 5.4 In mobile home parks where the landlord owns all of the mobile homes and there are no independent mobile home owners with rights and responsibilities under the Act (Part 2 of Article 12 of Title 38) or Program (Part 11 of Article 12 of Title 38), the management or landlord is not required to post, maintain, or provide a copy of the Home Owner Notice pursuant to section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules.
- 5.4.1 However, once a mobile home park has one or more independently-owned mobile homes, the management or landlord is no longer exempt from the Home Owner Notice requirements under section 38-12-1104(2)(a), C.R.S., and Rules 5.1 to 5.3 of these rules, and must post and provide a copy of the required Home Owner Notice to each individual home owner within ~~one (1) week~~ seven (7) calendar days of the change in ownership of the mobile home(s) in compliance with Rules 5.1 to 5.3 of these rules.

RULE 6. MANAGEMENT, LANDLORD, AND HOME OWNER RESPONSIBILITIES

PARK RULES AND REGULATIONS

- 6.1 ~~Notwithstanding the landlord's responsibility to maintain trees on the premises under section 38-12-212.3(2)(b)(IV), C.R.S. Trees located on the "premises" as defined by section 38-12-201.5(5), C.R.S., are presumed to be the responsibility of the landlord if they were not planted by the home owner, including any expense related to the maintenance of them (e.g. removal of dead wood) pursuant to sections 38-12-212.3(1)(a)(III), C.R.S. 6.1.1~~ However, a home owner may agree in their rental agreement to take on the responsibility for ~~any routine maintenance (i.e. simple trimming that does not affect the safety of park residents or their property health or safety)~~ of trees located on the lot they are renting from the park, so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(~~23~~), C.R.S.
- 6.2 Fences located on the "premises" as defined ~~by~~ in section 38-12-201.5(~~85~~), C.R.S., are presumed to be the responsibility of the landlord pursuant to sections 38-12-212.3(~~42~~)(~~ba~~)(~~III~~), C.R.S., unless:
- A. The home owner built the fence;
 - B. The current home owner bought the fence from the previous home owner; or
 - C. The home owner agreed in their rental agreement to take on the responsibility for maintaining and repairing the fence and paying the cost thereof in their rental agreement,

so long as the home owner was not required to assume this responsibility as a condition of tenancy in the mobile home park in violation of section 38-12-212.3(32), C.R.S.

6.3 Location and dimensions of the “mobile home space,” as defined in section 38-12-201.5(7), C.R.S. –

6.3.1 In any new rental agreement, to satisfy the requirement under section 38-12-213(1), C.R.S., that the terms and conditions of a tenancy must be adequately disclosed in writing, the management must disclose in the rental agreement:

A. The location of the mobile home space that is subject to the tenancy, as designated by management in relation to the other spaces in the park (i.e. lot number); and

B. The dimensions of the mobile home space that is subject to the tenancy, including without limitation, by reference to square footage or GPS coordinates.

6.3.2 For any existing rental agreement, the management must disclose the location and dimensions of the mobile home space to the tenant in writing within sixty (60) calendar days of the effective date of this Rule 6.3.2, if:

A. The current management or landlord removed or required the removal of a fence(s) along the boundary of the mobile home space that is subject to the tenancy; and

B. The existing rental agreement does not include an adequate disclosure, as described in Rules 6.3.1(A)-(B) of these rules, of the location and dimensions of the mobile home space that is subject to the tenancy.

6.3.3 Unless otherwise required by law, the management or landlord cannot change the location or dimensions of the mobile home space during the tenancy without the home owner’s prior written consent.

6.4 If the owner of a mobile home located in a mobile home park notifies the management or landlord of the park that the owner intends to sell their home, and the management or landlord seeks to require compliance with park rules and regulations at the time of sale or transfer of a mobile home to a new owner pursuant to section 38-12-214(2), C.R.S., the management shall provide the seller of the mobile home a written list of the item(s) the management is requiring the seller to correct at the time of sale or transfer to a new owner. The written list shall include:

A. Any and all items the management knows, or reasonability should have known, the seller would be required to correct at the time of sale or transfer of the mobile home;

B. A detailed description of each item; and

C. A citation to the specific park rule or regulation that applies to each item on the list.

6.5 If the management intends to enter a mobile home space to ensure compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park pursuant to section 38-12-222(2), C.R.S., the management shall make a reasonable effort to notify the home owner of the alleged noncompliance issue(s) the management is seeking to address at least forty-eight (48) hours before entry.

6.6 If the management charges a home owner for the cost of ensuring compliance with applicable codes, statutes, ordinances, and administrative rules; the rental agreement; or the rules and regulations of the park, the charge must:

- A. Be adequately disclosed in writing in the rental agreement pursuant to section 38-12-213(1)(f), C.R.S.; and
- B. Not be a prohibited "entry fee," as defined in section 28-12-201.5(1), C.R.S., and prohibited by section 38-12-209(1), C.R.S.

RULE 7. WATER USAGE, BILLING, AND LEAKS

7.1 The requirements in sections 38-12-212.4(1)-(6), C.R.S., apply to any type of water usage, including sewer and storm water usage and billing.

7.2 The management or landlord may change the method of utility billing by providing sixty (60) calendar days' written notice to the home owners, provided that the new method of billing is equitable and is not in violation of the home owner's rental agreement established pursuant to section 38-12-213, C.R.S.

7.3 In cases where the management purchases water from a provider and charges home owners for water usage in the park, but the management does not get the master meter charge(s) from the provider until after the management calculates each home owners monthly water bill, the management may provide the following information to each home owner to meet the billing disclosure requirements under section 38-12-212.4(2), C.R.S.:

- A. The amount owed by the home owner for the current month;
- B. The total amount owed by all the residents in the mobile home park for the current month;
- C. The total amount paid by the management to the provider for the previous month;
- D. The amount owed by the home owner for the previous month; and
- E. The total amount owed by all the residents in the mobile home park for the previous month.

RULE 8. PARK CHANGE OF USE, SALES, OR CLOSURES AND HOME OWNER OPPORTUNITY TO PURCHASE

8.1 For purposes of section 38-12-217(2)(a)(I), C.R.S., the landlord lists the park for sale when the owner of the mobile home park or their agent, employee, broker, or representative authorized to act on the owner's behalf offers the property for sale.

8.2 For purposes of section 38-12-217(2)(a)(II), C.R.S., the landlord intends to make a final, unconditional acceptance of an offer for the sale or transfer of the park when the landlord intends to sign a contract for the sale and purchase of the mobile home park with a prospective buyer.

8.3 Pursuant to section 38-12-217(10), C.R.S., a landlord may only sign a contract for the sale and purchase of the mobile home park with a prospective buyer before the landlord has considered an offer made by a group or association of home owners or their assignees pursuant to sections 38-12-217(4)-(5), C.R.S., or the applicable period for exercise of the opportunity to purchase has expired pursuant to section 38-12-217(6), C.R.S., if the landlord has the explicit right to unilaterally cancel the contract with the prospective buyer.

8.4 In determining whether the sale, transfer, or conveyance of a mobile home park qualifies for an exemption under section 38-12-217(12), C.R.S., the Division will consider factors including, but not limited to, the following to evaluate whether a transaction was made in "bad faith" pursuant to section 38-12-217(13), C.R.S.:

A. Whether the business entity the property is being sold, transferred, or conveyed to was created less than six (6) months before the transaction; and

B. Whether the transferring business entity sold, transferred, or conveyed its interest in the business entity the property was sold, transferred, or conveyed to less than six (6) months after the transaction.

Adopted on November 8, 2019, to implement House Bill 19-1309 effective December 30, 2019.

The following changes were adopted on March 11, 2020 and are effective April 30, 2020:

- Created: Rules 1.3, 2.5.1(A)-(B), 3.3.2, 3.7, 3.8, 5.1.1- 5.1.2, 5.2.1, 5.4, 6.2
- Amended: Rules 1.4(I)-(J), 2.1, 2.2, 2.5.1, 3.2, 3.3, 3.3.1, 3.3.3, 4, 4.1-4.4 (restated statute), 5.1, 5.2, 5.3, 6.1
- Renumbered: Rules 1.4, 2.1- 2.5, 3.6, 5.1.3, 6.1
- Deleted: Rules 2.1 (restated statute)