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STATE OF COLORADO
DEPARTMENT OF LAW

November 2, 2022

Colorado Secretary of State
Licensing and Enforcement Division
Administrative Rules Program
1700 Broadway, Suite 550
Denver, Colorado 80290

RE: Correction to Division of Housing Rules, 8 C.C.R. 1302-15 (Mobile Home Park Act Dispute Resolution and Enforcement Program)
SOS Tracking Number 2022-00699

To whom it may concern:

On November 1, 2022, the Colorado Department of Local Affairs, Division of Housing, filed a Correction under SOS tracking number 2022-00699 for a rule promulgated by the Division of Housing under 8 C.C.R. 1302-15. The Correction contains one amendment in Rule 9.4. *See* attached Correction filed in SOS tracking no. 2022-00699; *see also* attached Adopted Rule filed in SOS tracking no. 2022-00526.

The correction in Rule 9.4 is non-substantive in nature and meets the conditions specified in section 24-4-103(11)(d)(II), C.R.S. In Rule 9.4, the word “and” directly preceding “must advise” was inadvertently left in due to a proofreading error. This correction is necessary to remove the word “and”.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Torrey Samson

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DEPARTMENT OF LOCAL AFFAIRS

Division of Housing

8 CCR 1302-15

Mobile Home Park Oversight 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), HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020), HB21-1121 Residential Tenancy Procedures (effective June 25, 2021), and HB22-1287 Concerning Protections for Mobile Home Park Residents (effective October 1, 2022).

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 "Consecutive occupancy" for purposes of section 38-12-204(3), C.R.S., means the consecutive period of time that:
 - A. The tenant(s) have a rental agreement with the management or landlord for occupancy of the mobile home space;
 - B. The management or landlord is receiving rent payments for the mobile home space from the tenant(s) or a third party; or
 - C. The tenant(s) is residing in the mobile home or mobile home space after establishing lawful tenancy by signing a rental agreement pursuant or paying rent pursuant to Rule 1.1(A) or (B) of these rules.
 - 1.2 "Home owner" as defined in section 38-12-201.5(2), C.R.S., includes residents who have an active rent-to-own, lease-to-own, purchase option, or similar agreement to buy a mobile home that is located in a mobile home park.
 - 1.3 "Mobile home" as defined in section 38-12-201.5(5), 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
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permanent chassis); any pre-1976 mobile home; and any manufactured home constructed to the federal standards on or after June 15, 1976.

- 1.4 “Mobile home park” as defined in section 38-12-201.5(6), C.R.S. –
- A. Includes a park that is owned by a government entity, federally recognized tax-exempt charitable organization registered with the Colorado Secretary of State, or a Community Land Trust, if it has all of the characteristics of a “mobile home park” described in section 38-12-201.5(6), C.R.S. (including being operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees).
 - B. Does not include a park that rents 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 in section 38-12-201.5(5), C.R.S., and Rule 1.3 of these rules.
- 1.5 For purposes of section 38-12-201.5(6.5), C.R.S., separate business entities that collectively own five (5) or more mobile or manufactured homes on the same parcel shall be treated as having the “same owner” if the business entities have one or more of the same legal or beneficial owners.
- 1.6 “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., do 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 1.4 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.
- 1.7 “Occupied mobile homes” as used in sections 38-12-201.5(6) and 38-12-217(4)(c), C.R.S., and Rules 1.4(B), and 2.2(I) 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.
- 1.8 “Rent” as defined in section 38-12-201.5(9), C.R.S., does not include attorney fees.
- 1.9 “Sufficient evidence” as used in section 38-12-212.5(4), C.R.S., and Rule 3.4 of these rules means a preponderance of the evidence.
- 1.10 “Vacant mobile homes” as used in Rule 2.2(J) 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.
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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 “landlord,” as defined in section 38-12-201.5(3), C.R.S., 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 physical address, phone number, and website address (if any) of the mobile home park (park);
 - B. The phone number and email address (if any) of the legal owner of the park;
 - C. If the legal owner of the park is a domestic or foreign limited liability company (LLC), the first and last name of an agent for the LLC and the agent’s phone number and email address (if any);
 - D. The first and last name, mailing address, phone number, and email address (if any) of the manager of the park;
 - E. If the park is managed by a business entity, the business entity’s name, the first and last name of an agent for the business entity, and the agent’s mailing address, phone number, and email address (if any);
 - F. Identify which individual or business – the park owner or management – is designated as the primary contact for the mobile home park;
 - G. The physical address of each mobile home;
 - H. Identify which homes a tenant home owner independently owns, and which homes the mobile home park landlord owns;
 - I. The total number of occupied mobile homes;
 - J. The total number of vacant mobile homes;
 - K. If the park is managed by a business entity, the name of any entity that exercises financial or management control of the business entity that manages the park;
 - L. If an entity exercises financial or management control of the domestic or foreign limited liability company (LLC) that owns the park, the first and last name of an agent for the entity, and the agent’s mailing address, phone number, and email address (if any);
 - M. If an entity exercises financial or management control of the business entity that manages the park, the first and last name of an agent for the entity, and the agent’s mailing address, phone number, and email address (if any);
 - 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
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- O. The signature of a landlord, as defined in section 38-12-201.5(3), C.R.S., filing for registration or registration renewal for the mobile home park pursuant to section 38-12-1106(4), C.R.S.
- 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. Pursuant to section 38-12-1106(7), C.R.S., the Division may not accept incomplete forms.
 - 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.
 - 2.6 If any of the provided information required by sections 38-12-1106(7)(a), (a.5)(I)-(III), or (b), C.R.S., or Rules 2.2(A)-(F) 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 Program communications.
 - 2.7 Fee – Pursuant to section 38-12-1106(8), C.R.S., for the 2021 calendar year and each calendar year thereafter, an annual registration fee of \$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, unless and until such registration fee is adjusted by the Division through a public rulemaking process.
 - 2.7.1 Pursuant to section 38-12-1106(8), C.R.S., 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

General Rules

- 3.1 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.
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- 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.

Filing a Complaint

- 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 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.

Complaint Investigation

- 3.4 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 a presumption of retaliation with sufficient evidence of a nonretaliatory purpose pursuant to section 38-12-212.5(4), C.R.S.
- 3.4.1 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 to:
- A. 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.
- 3.5 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:
- 3.5.1 The Division will notify the management of the complaint and the specific rule(s), regulation(s), or amendment(s) being challenged in the complaint.
- 3.5.2 The management shall not engage in any action to enforce the challenged rule(s), regulation(s), or amendment(s) that is the subject of the complaint against any resident in the park, 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.
- 3.5.3 Once the management receives notice from the Division of a complaint described in Rule 3.5 of these rules, the management shall notify all residents in the park that is the subject
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of the complaint 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.

- 3.5.4 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 3.5 of these rules, after the sixty (60) day written notice period expires.
- 3.6 A landlord acting in the capacity of a “complainant,” as defined in section 38-12-1103(2), C.R.S., may file a complaint with the Division alleging that a home owner does not have and will not sign a written rental agreement in violation of section 38-12-213(2), C.R.S.
- 3.6.1 When investigating a complaint alleging that a home owner has not signed a written rental agreement in violation of section 38-12-213(2), C.R.S., the Division will consider factors including, but not limited to:
- A. Whether the current or previous management provided a written rental agreement to the home owner prior to the rental or occupancy of a mobile home space or lot pursuant to section 38-12-213(1), C.R.S. (effective July 1, 1981);
 - B. Whether the written rental agreement the current management provided the home owner would make material changes to the terms and conditions of the home owner’s existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S. In evaluating what the terms and conditions of an existing tenancy are, the Division may consider the following including, but not limited to:
 - i. Other written agreements between the management and the home owner;
 - ii. Verbal agreements between the management and the home owner; and
 - iii. Past charges to and payments made by the home owner as described in subsections 38-12-213(1)(a) and (f), C.R.S.; and
 - C. Whether changes to the terms and conditions of the home owner’s existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S., are necessary for the rental agreement to comply with current state law and local law.

Written Determination and Notice of Violation or Nonviolation

- 3.7 A landlord found to be in violation of the Act, Program, or these rules cannot 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.
- 3.8 A landlord shall not pass on the costs of any attorney fees, witness fees, or other legal fees incurred by a landlord in responding 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 Act, Program, or these rules to any home owner, notwithstanding any language to the contrary in a rental agreement.

RULE 4. PENALTIES

- 4.1 The Division will apply the following criteria when assessing 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, a penalty for taking any “retaliatory
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action(s)” against a home owner pursuant to section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules, or a penalty for failing to timely respond to a subpoena pursuant to section 38-12-1105(3)(c), C.R.S., and Rule 4.6 of these rules:

- A. The severity of the violation;
 - B. The type of violation;
 - C. The duration 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.
- 4.2 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.
- 4.3 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.
- 4.4 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., and further clarified in section 38-12-212.5, C.R.S., and Rule 3.4 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.
- 4.5 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.
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- C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.
- 4.6 The Division will scale any penalties assessed under section 38-12-1105(3)(c), C.R.S., for failing to timely respond to a subpoena 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.
- 4.7 If the current or former management or landlord violates section 38-12-223, C.R.S., or Rule 10.1 of these rules, related to preservation of and access to tenancy and park sale records, the Division may assess penalties of:
- A. First offense, up of to \$100 per violation.
 - B. Second offense, up to \$250 per violation.
 - C. Third offense, up to \$500 per violation.

RULE 5. REQUIREMENTS FOR THE NOTICE OF HOME OWNER AND RESIDENT RIGHTS

- 5.1 Pursuant to section 38-12-1104(2)(c), C.R.S., the management or landlord must post and maintain the Notice of Home Owner and Resident Rights (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 common resident mailbox location; every rent payment dropbox or other rent payment location; and every community hall, recreation hall, and clubhouse. The management or landlord must post this Notice in a form authorized by the Division within seven (7) calendar days of receiving the Notice from the Division.
- 5.1.1 If there is no common resident mailbox location, rent payment location, community hall, recreation hall, or clubhouse in the mobile home park, the management or landlord must post and maintain the 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 the management or landlord may post and maintain the Notice include, but are not limited to:
- A. Outside every management office;
 - B. At every park entrance; or
 - C. On the front of every dumpster 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 Notice in a clearly visible and accessible location 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 of these rules, the management or landlord must provide the Notice in an accessible format for any home owner or resident with disabilities (e.g. Braille or audio recording) upon request. These formats are available to the management or landlord from the Division by request.
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- 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 Notice to each home owner and resident within seven (7) calendar days of receiving the Notice from the Division and on an annual basis, by posting it on the door of every mobile home or mailing it to each home owner and resident at either the address provided in the rental agreement or the most recent mailing address of the home owner or resident on file with the management or landlord.
- 5.2.1 As an alternative to Rule 5.2, the management or landlord may email a copy of the Notice to a home owner(s) or resident(s), only if the home owner or resident 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 or resident, 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 Notice with each new lease executed with a home owner or resident, and to each home owner and resident after a change in park ownership.

RULE 6. MANAGEMENT, LANDLORD, AND HOME OWNER RESPONSIBILITIES

Landlord Maintenance of the Premises

- 6.1 Trees – Notwithstanding the landlord’s responsibility to maintain trees on the premises under section 38-12-212.3(2)(b)(IV), C.R.S., a home owner may enter a voluntary, written agreement with their landlord to take on the responsibility for simple trimming that does not affect the safety of park residents or their property 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(3), C.R.S.
- 6.2 Fences – Fences located on the “premises” as defined in section 38-12-201.5(8), C.R.S., are presumed to be the responsibility of the landlord pursuant to section 38-12-212.3(2)(b), 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(3), C.R.S.
- 6.3 Incorporated Codes – Pursuant to section 38-12-212.3(2)(b)(I), C.R.S., the following health and safety laws applicable to mobile home parks are incorporated by reference:
- A. 6 CCR 1010-12, *Mobile Home Parks*, effective January 1, 1975.
- 6.3.1 Interested parties may inspect the referenced incorporated materials by contacting the Division at 1313 Sherman Street, Denver, CO 80203.
- 6.3.2 These regulations do not include later amendments to or editions of the incorporated material.

Compliance with Park Rules and Regulations

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- 6.4 Mobile Home Sales and Transfers – If the management provides a written list pursuant to section 38-12-214(2.5)(b), C.R.S., the written list shall include:
- A. Any and all items the management knows, or reasonably should have known, would require correction 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. Any park rule or regulation cited must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

Charges to Home Owners

- 6.5 Limitations on Charges for Noncompliance – The following rules apply when 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.
- 6.5.1 Before entering the mobile home space, the management shall first provide the home owner with a reasonable time to cure the alleged noncompliance and an estimate of the cost if the landlord cures the noncompliance instead (when an estimate is reasonably available and a charge would be permitted by the rental agreement).
 - 6.5.2 If the home owner fails to cure or contest the noncompliance (ex. by communicating with the management or filing a complaint with the Program) within a reasonable amount of time, the management shall make a reasonable effort to notify the home owner of the management's intention to enter the mobile home space and cure the noncompliance at least forty-eight (48) hours before entry.
 - 6.5.3 All of the following conditions must be met for the management to charge 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:
 - A. The potential for a charge must be adequately disclosed in writing in the rental agreement pursuant to section 38-12-213(1)(f), C.R.S.;
 - B. The amount of the charge or the charge itself cannot be a prohibited "entry fee," as defined in section 38-12-201.5(1), C.R.S., and prohibited by section 38-12-209(1), C.R.S.; and
 - C. If the charge is for the cost of ensuring compliance with a rule or regulation of the park, the rule or regulation must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.
- 6.6 Limitations on Pet Deposits – Pursuant to sections 38-12-102(6) and 38-12-103(1), C.R.S.:
- 6.6.1 The management or landlord cannot charge or collect a nonrefundable pet deposit from a home owner or prospective home owner.
 - 6.6.2 The management or landlord may only charge or collect a refundable pet deposit from a home owner or prospective home owner, if the total combined amount of the security deposit and refundable pet deposit is no greater than one month's rent.
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6.7 Pet Rent Definition – Pursuant to sections 38-12-201.5(1) and 38-12-209(1), C.R.S., any recurring charges to home owners with pets must either be part of the “rent,” as defined in section 38-12-201.5(9), C.R.S., or fall under an exception to the prohibition on “entry fee[s]” under section 38-12-201.5(1)(c) or (e), C.R.S.

6.7.1 If the management or landlord charges or collects pet rent as part of a home owner’s rent, instead of as an exception to the prohibition on entry fees:

- A. The amount or application of pet rent must not be discriminatory nor retaliatory in nature; and
- B. All statutes and rules applicable to rent, including, but not limited to sections 38-12-213(1)(a) (on rental agreements), 38-12-204(2) (on notice of rent increases), and 38-12-204(3) (limiting the frequency of rent increases), C.R.S., apply to pet rent as part of the tenant’s total rent.

Landlord Notices to Residents

6.8 Lot Entry Notices –

6.8.1 Pursuant to section 38-12-222(3), C.R.S., the management will have delivered advance notice of lot entry “in a manner that is reasonably likely to be seen or heard by the resident in a timely manner” if the management provides notices to a resident by one of the methods below:

- A. Text message, if the resident has a telephone number that can receive text messages;
- B. Electronic mail, if the resident has provided the landlord with an email address;
- C. A documented telephone call, if the management speaks to the resident or leaves a voicemail message for the resident;
- D. A documented verbal conversation with resident; or
- E. Posting a written notice on the main entrance to the resident’s mobile home. Pursuant to section 38-12-222(3), C.R.S., the management does not need to provide the resident notice before posting a notice under this Rule 6.8.1(E) on the main entrance to the mobile home.

6.8.2 If a resident invites the management onto the resident’s mobile home space on a certain date and approximate time, the management may enter that resident’s space at the date and approximate time they were invited onto the space by the resident, without providing notice pursuant to section 38-12-222(3), C.R.S.

6.8.3 For purposes of meter reading for monthly water, sewer, or utility billing, notice will be sufficient under section 38-12-222(3), C.R.S., if it is provided to residents once every twelve (12) months, at least forty-eight (48) hours before meter reading takes place, and includes a date range and time range for meter reading, provided that:

- A. The date range does not exceed five (5) calendar days; and
 - B. The time range does not exceed eight (8) hours on any calendar day.
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- 6.8.4 If the management needs to enter a residents lot to complete a specific maintenance or repair project pursuant to sections 38-12-212.3(1)-(2), C.R.S., or Rules 6.1-6.3 of these rules, that will take more than one day to complete, notice will be sufficient under section 38-12-222(3), C.R.S., if the notice:
- A. Is provided to the resident at least forty-eight (48) hours before the maintenance or repair project starts;
 - B. Includes a description of each stage of work that the management will be entering the resident's lot to perform; and
 - C. Includes a specific date range and time range for each stage of work.
- 6.8.5 The management is not required to provide more than one notice of lot entry to a resident for a specific maintenance or repair project pursuant to sections 38-12-212.3(1)-(2), C.R.S., or Rules 6.1-6.3 of these rules, as long as notice has been provided pursuant to section 38-12-222(3), C.R.S., and Rule 6.8.4 of these rules, and the maintenance or repair project is completed within the date range and time range described in the notice pursuant to Rule 6.8.4(C) of these rules. If the management needs to enter the resident's lot at a date or time that was not included in a notice pursuant to section 38-12-222(3), C.R.S., or Rule 6.8.4 of these rules, the management must provide a new notice to the resident pursuant section 38-12-222(3), C.R.S.
- 6.9 Water Service Disruption Notices – Pursuant to section sections 38-12-212.3 (1)(a)(III)(C) and (1)(c), C.R.S., the management must provide a water service disruption notice to each resident by at least one of the following methods:
- A. Text message, if the resident has a telephone number that can receive text messages;
 - B. Electronic mail, if the resident has provided the landlord with an email address;
 - C. A documented telephone call, if the management speaks to the resident or leaves a voicemail message for the resident;
 - D. A documented verbal conversation with resident; or
 - E. Posting a written notice on the main entrance to the resident's mobile home. Pursuant to section 38-12-222(3), C.R.S., the management does not need to provide the resident notice before posting a notice under this Rule 6.9 on the main entrance to the mobile home.

Home Owner Meetings

- 6.10 Pursuant to section 38-12-206(2), C.R.S., a "fee" shall not include a fully refundable deposit made by a resident prior to the use of a common building or space in the park. This deposit shall be returned upon completion of the use of a common building or space in the park within thirty (30) calendar days. The deposit shall be returned with an accounting of deductions, if any. Pursuant to section 38-12-206(2), C.R.S., deductions shall be limited to the reasonable costs of cleaning or repairing actual damages beyond normal wear and tear that were caused by the resident or their guest(s).
- 6.11 The management, landlord, agent, employee, or authorized representative who attends a home owner or resident meeting requested pursuant to section 38-12-206(3), C.R.S., must be someone who has the authority to make decisions on behalf of the park owner. If the home owner or resident asked to meet with the landlord on a specific topic(s), the landlord shall make a
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reasonable effort to have someone attend the meeting who has decision-making authority on such topic(s).

RULE 7. WATER USAGE, BILLING, AND LEAKS

- 7.1 The requirements in section 38-12-212.4(1), C.R.S., apply to all types of water usage, including sewer and storm water usage.
- 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 reasonable, equitable, and consistent; does not violate any of the provisions in section 38-12-212.4, C.R.S.; and is not in violation of the home owner's rental agreement established pursuant to section 38-12-213, C.R.S.
- 7.3 Only 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 owner's 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; and
 - C. The total amount paid by the management to the provider for the previous month.
- 7.4 In the event that any water usage, billing, or payment information required under section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules is not available to the management due solely to circumstances beyond the management's control, the management shall take reasonable steps to comply with section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules, and to provide accurate disclosures to home owner as soon as reasonably possible and in a manner that meets the intent of section 38-12-212.4, C.R.S.

RULE 8. PARK SALES AND HOME OWNER OPPORTUNITY TO PURCHASE

- 8.1 Listing – For purposes of section 38-12-217(1)(a)(II)(G), 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 Conversations with Home Owners Allowed – For purposes of section 38-12-217(1)(d), C.R.S., a landlord may answer questions and communicate with home owners about the landlord's intent to sell the mobile home park or the opportunity to purchase during the initial ninety (90) days after giving notice, provided that the landlord does not take any actions that are prohibited by section 38-12-217(1)(d), C.R.S.
- 8.3 Contents of Park Sale Notice – Pursuant to section 38-12-217(3), C.R.S., the "price, terms, and conditions" to sell the park include, but are not limited to:
- A. Any money or compensation the seller or seller's agent has paid or intends to pay to the potential buyer or buyer's agent, including due diligence costs or brokerage fees;
 - B. Whether or not the seller has signed a conditional contract for the sale of the park with a potential buyer, or intends to do so within the next ninety (90) calendar days;
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- C. Whether or not the proposed sale includes more than one mobile home park or piece of real estate (for example, is part of a portfolio or bundled sale); and
- D. For sales that include more than one mobile home park or piece of real estate, like portfolio or bundled sales:
- i. The name and property description of any and all other mobile home parks or real estate included in the proposed sale;
 - ii. The total price, terms, and conditions of an acceptable offer to sell all of the properties located in the state of Colorado; and
 - iii. The price, terms, and conditions of an acceptable offer to sell each of the mobile home parks located in the state of Colorado that are included in the proposed sale.
- 8.4 Pursuant to sections 38-12-217(9)(b)(I)(B) and (9)(b)(II), C.R.S., a material change to the price, terms, or conditions shall mean any increase or decrease to the financial terms of the proposed sale that exceeds ten (10) percent of the financial terms included in the most recent notice required under section 38-12-217(1)(a), C.R.S.
- 8.5 Evidence of Majority Approval – When providing reasonable evidence of majority home owner approval pursuant to section 38-12-217(4)(c), C.R.S., a group or association of home owners or their assignees may submit a written statement to the landlord that the group, association, or their assignees has written evidence that at least fifty-one percent (51%) of the owners of occupied homes have approved the group, association, or their assignee's offer to purchase. To be considered reasonable evidence, this written statement must be signed by an attorney, government official, or another mutually acceptable third party, who attests to the truthfulness of the group, association, or their assignees' claim.
- 8.6 Calculating Home Owner Majorities – For purposes of calculating the percentages described in sections 38-12-217(1)(c), (4)(c), and (8)(b)(I), C.R.S., percentages are based on the total number of individual home owners in the mobile home park, without consideration for the total number of resident-owned homes or any homes owned by the landlord.
- 8.7 Affidavit of Compliance – Pursuant to section 38-12-217(11), C.R.S., the landlord:
- A. Shall not file the affidavit of compliance before the home owners' opportunity to purchase terminates or expires pursuant to sections 38-12-217(1)(c) or (6)(a), C.R.S.; and
 - B. Shall file the affidavit of compliance on a Division-approved form within thirty (30) calendar days after the sale or transfer of the park is final.
- 8.8 Exemption Form – If a park sale or transfer qualifies for an exemption from the notice and opportunity to purchase requirements pursuant to sections 38-12-217(12) and (13), C.R.S., the landlord shall provide evidence of compliance by filing a Division-approved exemption form within thirty (30) calendar days after the closing date of the exempt sale or transfer with:
- A. The municipality or, if the park is in an unincorporated area, the county, within which the park is located; and
 - B. The Division of Housing in the Department of Local Affairs.
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- 8.9 Enforcement – The Division may impose a fine on the seller of a mobile home park pursuant section 38-12-217(15)(b)(I), C.R.S., or file a civil action for injunctive or other relief pursuant to section 38-12-217(15)(b)(II), C.R.S., where an action accrued or a complaint was filed prior to October 1, 2022.
- 8.10 Tolling and Assignment – A group or association of home owners or their assignees may exercise their rights under the following subsections of section 38-12-217, C.R.S., regardless of when the landlord provided notice of the landlord’s intent to sell the mobile home park pursuant to section 38-12-217(1)(a), C.R.S. If a triggering event occurred requiring notice under section 38-12-217(1)(a)(II), C.R.S., but the landlord failed to provide notice as required by section 38-12-217(2)(a), C.R.S., a group or association of home owners or their assignees may also exercise their rights under the following subsections:
- A. Tolling of the time periods described in subsections 38-12-217(4)(a) and (6)(b), C.R.S., pursuant to section 38-12-217(7)(b)(I), C.R.S.; and
 - B. Assignment of their rights to a public entity pursuant to section 38-12-217(8)(b)-(f), C.R.S.

RULE 9. PARK CHANGES IN USE AND HOME OWNER REMEDIES

- 9.1 Requests for Relocation Costs – Pursuant to section 38-12-203.5(2)(a), C.R.S., a home owner(s) must submit their written demand to the landlord for the landlord to provide relocation costs to the home owner(s) at least thirty (30) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.2 Requests for Fixed Sale Price – Pursuant to section 38-12-203.5(2)(b), C.R.S., a home owner(s) may, at the home owner’s or home owners’ choosing, submit a written demand to the landlord for the landlord to make a binding offer to purchase their mobile home for the amount specified in sections 38-12-203.5(2)(b)(I) and (4), C.R.S., without going through the appraisal process set forth in section 38-12-203.5(2)(b)(II), C.R.S. To exercise this option, the home owner(s) must:
- A. Clearly state in their written demand to the landlord pursuant to section 38-12-203.5(2), C.R.S., that the home owner(s) is choosing to receive the amount specified in sections 38-12-203.5(2)(b)(I) and (4), C.R.S., without going through the appraisal process; and
 - B. Submit their written demand to the landlord at least thirty (30) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.3 Requests for Appraisal – Pursuant to section 38-12-203.5(2)(b), C.R.S., a home owner(s) must submit their written demand to the landlord for the landlord to submit a binding offer to purchase their mobile home at least one hundred and fifty (150) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.3.1 The one hundred and fifty (150) day deadline in this Rule 9.3 does not apply if the home owner(s) chooses not to go through the appraisal process, pursuant to Rule 9.2 of these rules.
- 9.4 Contents of Notice – Pursuant to section 38-12-203(1)(d)(II), C.R.S., the written notice of the landlord’s intent to change the use of the land and evict the home owner(s) must advise the home owner(s) of the deadlines described in Rules 9.1-9.3 of these rules to demand each remedy under in section 38-12-203.5(2), C.R.S.

RULE 10. TENANCY AND PARK SALE RECORDS

- 10.1 Pursuant to section 38-12-223(1) and (5), C.R.S., the following rules apply when a resident
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requests copies of their tenancy records from the landlord:

- 10.1.1 At mobile home parks where there is an on-site management office, the management must allow residents to view any or all of their own tenancy records by appointment during normal business hours.
- 10.1.2 Upon the request of a resident, the management must provide one copy of the resident's tenancy records as described in section 38-12-223(1), C.R.S., at no charge once every twelve (12) months.
 - A. The management may not charge a fee for delivering, mailing, or e-mailing the documents requested under this Rule 10.1.2.
 - B. The management must provide the resident all of the available records requested pursuant to this Rule 10.1.2 within ten (10) business days after the resident submits the request to the management.
- 10.1.3 If a resident requests more than one copy of their tenancy records, or requests a single copy of their tenancy records more than once in any twelve-month period, the management may charge the resident a reasonable fee to cover the actual costs of compiling, printing, redacting, and sharing the records.
 - A. Before charging a resident under this Rule 10.1.3, the management will provide an invoice to the resident, and obtain the resident's written consent to move forward with the charge.
 - B. The management must provide the resident all of the available records requested pursuant to this Rule 10.1.3 within ten (10) business days after the resident pays the amount invoiced under Rule 10.1.3(A) of these rules.
- 10.1.4 A resident may request copies of documents that are part of their tenancy records in person, in writing, by telephone, by text message, or by electronic mail.
- 10.1.5 In lieu of paper copies, a resident may request that the management send the responsive documents to the resident by electronic mail.
- 10.1.6 Upon the request of a resident, the management must provide the resident with detailed documentation of the resident's monthly charges and payments over the last twelve (12) months of tenancy. The management must provide the first copy requested in a twelve (12) monthly period to the resident at no charge pursuant to Rule 10.1.2 of these rules. The management may charge the resident for the second or subsequent copy in a twelve (12) month period pursuant to Rule 10.1.3 of these rules.

RULE 11. PETITIONS FOR DECLARATORY ORDERS CONCERNING THE MOBILE HOME PARK ACT AND DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM

- 11.1 Pursuant to section 24-4-105(11), C.R.S., any person may petition the Department of Local Affairs, Division of Housing for a declaratory order to terminate controversies or remove uncertainties as to the applicability to the petitioner of any provision of the Act (Title 38, Article 12, Part 2, C.R.S.), Program (Title 38, Article 12, Part 11, C.R.S.), or rules (8 CCR 1302-15).
 - 11.1.1 The parties to any petition for a declaratory order pursuant to this regulation shall be the petitioner and the Division.
 - 11.2 Each petition for a declaratory order shall set forth the following:
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- A. The first and last name, mailing address, phone number, and email address (if any) of the petitioner;
 - B. Whether the petitioner is the management or landlord of a mobile home park pursuant to section 38-12-201.5(3), C.R.S., and if yes, the registration number for the mobile home park issued by the Division pursuant to section 38-12-1106(10), C.R.S.;
 - C. Whether the petitioner is a resident of a mobile home park pursuant to section 38-12-201.5(11), C.R.S., and if yes, whether the petitioner is also a home owner pursuant to section 38-12-201.5(2), C.R.S.;
 - D. The statute or rule to which the petition relates;
 - E. A concise statement of all of the facts necessary to show the nature of the controversy or the uncertainty as to the applicability to the petitioner of the statute or rule to which the petition relates;
 - F. A concise statement of the legal authorities, if any, and such other reasons upon which petitioner relies; and
 - G. A concise statement of the declaratory order sought by the petitioner.
- 11.3 A petition for a declaratory order shall be served on the Division by emailing and mailing such petition to the Mobile Home Park Oversight Program (MHPOP). Each petition for a declaratory order shall contain a certification that the service requirements of this paragraph have been met.
- 11.4 The Division Director or their designee will determine, in their sole discretion without prior notice to the petitioner, whether to entertain any petition. If the Division Director or designee decides not to entertain a petition, the Division will notify the petitioner in writing of its decision and the reasons for that decision. Any of the following grounds may be sufficient reason to refuse to entertain a petition, including, but not limited to:
- A. A ruling on the petition will not terminate the controversy nor remove uncertainties concerning the applicability to petitioner of the statute or rule in question;
 - B. The petition involves a subject, question, or issue which is involved in a written complaint previously filed with MHPOP, an on-going investigation being conducted by MHPOP, or a pending hearing before the Office of Administrative Courts;
 - C. The petition seeks a ruling on a moot or hypothetical question, having no applicability to the petitioner; or
 - D. Petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colorado Rule of Civil Procedure 57, which will terminate the controversy or remove any uncertainty concerning applicability of the statute or rule.
- 11.5 If the Division Director or designee determines that they will entertain the petition for declaratory order, the Division shall promptly so notify all parties involved, and the following procedures shall apply:
- 11.5.1 The Division Director or designee may issue a declaratory order on the basis of the facts and legal authority presented in the petition, or request the petitioner submit additional evidence and legal argument in writing.
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- 11.5.2 In ruling on a petition for declaratory order, the Division may take administrative notice of general, technical, or scientific facts within the Division's knowledge.
 - 11.5.3 The Division Director or designee may dispose of the petition without conducting an evidentiary or other hearing. If the Division does so, any ruling will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - 11.5.4 The Division may consolidate for determination petitions raising similar issues of fact or law.
 - 11.5.5 Every declaratory order shall be decided and issued in writing, specifying the basis in fact and law for the order.
 - 11.5.5 A declaratory order shall constitute agency action subject to judicial review pursuant to section 24-4-106, C.R.S.
- 11.6 Record Retention and Reliability – Files of all requests and declaratory orders will be maintained and relied upon by the Division for a period of five (5) years, unless the declaratory order is superseded by a statutory or regulatory change, or amended or reversed by a court of law. Except with respect to any material required by law to be kept confidential, such files shall be available for public inspection.
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DEPARTMENT OF LOCAL AFFAIRS

Division of Housing

8 CCR 1302-15

Mobile Home Park Oversight 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), HB20-1201 Mobile Home Park Residents Opportunity to Purchase (effective June 30, 2020), HB21-1121 Residential Tenancy Procedures (effective June 25, 2021), and HB22-1287 Concerning Protections for Mobile Home Park Residents (effective October 1, 2022).

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 "Consecutive occupancy" for purposes of section 38-12-204(3), C.R.S., means the consecutive period of time that:
 - A. The tenant(s) have a rental agreement with the management or landlord for occupancy of the mobile home space;
 - B. The management or landlord is receiving rent payments for the mobile home space from the tenant(s) or a third party; or
 - C. The tenant(s) is residing in the mobile home or mobile home space after establishing lawful tenancy by signing a rental agreement pursuant or paying rent pursuant to Rule 1.1(A) or (B) of these rules.
 - 1.2 "Home owner" as defined in section 38-12-201.5(2), C.R.S., includes residents who have an active rent-to-own, lease-to-own, purchase option, or similar agreement to buy a mobile home that is located in a mobile home park.
 - 1.3 "Mobile home" as defined in section 38-12-201.5(5), 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
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permanent chassis); any pre-1976 mobile home; and any manufactured home constructed to the federal standards on or after June 15, 1976.

- 1.4 “Mobile home park” as defined in section 38-12-201.5(6), C.R.S. –
- A. Includes a park that is owned by a government entity, federally recognized tax-exempt charitable organization registered with the Colorado Secretary of State, or a Community Land Trust, if it has all of the characteristics of a “mobile home park” described in section 38-12-201.5(6), C.R.S. (including being operated for the pecuniary benefit of the owner of the parcel of land or the owner’s agents, lessees, or assignees).
 - B. Does not include a park that rents 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 in section 38-12-201.5(5), C.R.S., and Rule 1.3 of these rules.
- 1.5 For purposes of section 38-12-201.5(6.5), C.R.S., separate business entities that collectively own five (5) or more mobile or manufactured homes on the same parcel shall be treated as having the “same owner” if the business entities have one or more of the same legal or beneficial owners.
- 1.6 “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., do 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 1.4 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.
- 1.7 “Occupied mobile homes” as used in sections 38-12-201.5(6) and 38-12-217(4)(c), C.R.S., and Rules 1.4(B), and 2.2(I) 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.
- 1.8 “Rent” as defined in section 38-12-201.5(9), C.R.S., does not include attorney fees.
- 1.9 “Sufficient evidence” as used in section 38-12-212.5(4), C.R.S., and Rule 3.4 of these rules means a preponderance of the evidence.
- 1.10 “Vacant mobile homes” as used in Rule 2.2(J) 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.
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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 “landlord,” as defined in section 38-12-201.5(3), C.R.S., 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 physical address, phone number, and website address (if any) of the mobile home park (park);
 - B. The phone number and email address (if any) of the legal owner of the park;
 - C. If the legal owner of the park is a domestic or foreign limited liability company (LLC), the first and last name of an agent for the LLC and the agent’s phone number and email address (if any);
 - D. The first and last name, mailing address, phone number, and email address (if any) of the manager of the park;
 - E. If the park is managed by a business entity, the business entity’s name, the first and last name of an agent for the business entity, and the agent’s mailing address, phone number, and email address (if any);
 - F. Identify which individual or business – the park owner or management – is designated as the primary contact for the mobile home park;
 - G. The physical address of each mobile home;
 - H. Identify which homes a tenant home owner independently owns, and which homes the mobile home park landlord owns;
 - I. The total number of occupied mobile homes;
 - J. The total number of vacant mobile homes;
 - K. If the park is managed by a business entity, the name of any entity that exercises financial or management control of the business entity that manages the park;
 - L. If an entity exercises financial or management control of the domestic or foreign limited liability company (LLC) that owns the park, the first and last name of an agent for the entity, and the agent’s mailing address, phone number, and email address (if any);
 - M. If an entity exercises financial or management control of the business entity that manages the park, the first and last name of an agent for the entity, and the agent’s mailing address, phone number, and email address (if any);
 - 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
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- O. The signature of a landlord, as defined in section 38-12-201.5(3), C.R.S., filing for registration or registration renewal for the mobile home park pursuant to section 38-12-1106(4), C.R.S.
- 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. Pursuant to section 38-12-1106(7), C.R.S., the Division may not accept incomplete forms.
 - 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.
 - 2.6 If any of the provided information required by sections 38-12-1106(7)(a), (a.5)(I)-(III), or (b), C.R.S., or Rules 2.2(A)-(F) 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 Program communications.
 - 2.7 Fee – Pursuant to section 38-12-1106(8), C.R.S., for the 2021 calendar year and each calendar year thereafter, an annual registration fee of \$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, unless and until such registration fee is adjusted by the Division through a public rulemaking process.
 - 2.7.1 Pursuant to section 38-12-1106(8), C.R.S., 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

General Rules

- 3.1 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.
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- 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.

Filing a Complaint

- 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 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.

Complaint Investigation

- 3.4 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 a presumption of retaliation with sufficient evidence of a nonretaliatory purpose pursuant to section 38-12-212.5(4), C.R.S.
- 3.4.1 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 to:
- A. 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.
- 3.5 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:
- 3.5.1 The Division will notify the management of the complaint and the specific rule(s), regulation(s), or amendment(s) being challenged in the complaint.
- 3.5.2 The management shall not engage in any action to enforce the challenged rule(s), regulation(s), or amendment(s) that is the subject of the complaint against any resident in the park, 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.
- 3.5.3 Once the management receives notice from the Division of a complaint described in Rule 3.5 of these rules, the management shall notify all residents in the park that is the subject
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of the complaint 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.

- 3.5.4 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 3.5 of these rules, after the sixty (60) day written notice period expires.
- 3.6 A landlord acting in the capacity of a “complainant,” as defined in section 38-12-1103(2), C.R.S., may file a complaint with the Division alleging that a home owner does not have and will not sign a written rental agreement in violation of section 38-12-213(2), C.R.S.
- 3.6.1 When investigating a complaint alleging that a home owner has not signed a written rental agreement in violation of section 38-12-213(2), C.R.S., the Division will consider factors including, but not limited to:
- A. Whether the current or previous management provided a written rental agreement to the home owner prior to the rental or occupancy of a mobile home space or lot pursuant to section 38-12-213(1), C.R.S. (effective July 1, 1981);
 - B. Whether the written rental agreement the current management provided the home owner would make material changes to the terms and conditions of the home owner’s existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S. In evaluating what the terms and conditions of an existing tenancy are, the Division may consider the following including, but not limited to:
 - i. Other written agreements between the management and the home owner;
 - ii. Verbal agreements between the management and the home owner; and
 - iii. Past charges to and payments made by the home owner as described in subsections 38-12-213(1)(a) and (f), C.R.S.; and
 - C. Whether changes to the terms and conditions of the home owner’s existing tenancy as described in subsections 38-12-213(1)(a)-(f), C.R.S., are necessary for the rental agreement to comply with current state law and local law.

Written Determination and Notice of Violation or Nonviolation

- 3.7 A landlord found to be in violation of the Act, Program, or these rules cannot 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.
- 3.8 A landlord shall not pass on the costs of any attorney fees, witness fees, or other legal fees incurred by a landlord in responding 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 Act, Program, or these rules to any home owner, notwithstanding any language to the contrary in a rental agreement.

RULE 4. PENALTIES

- 4.1 The Division will apply the following criteria when assessing 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, a penalty for taking any “retaliatory
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action(s)” against a home owner pursuant to section 38-12-1105(13), C.R.S., and Rule 4.4 of these rules, or a penalty for failing to timely respond to a subpoena pursuant to section 38-12-1105(3)(c), C.R.S., and Rule 4.6 of these rules:

- A. The severity of the violation;
 - B. The type of violation;
 - C. The duration 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.
- 4.2 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.
- 4.3 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.
- 4.4 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., and further clarified in section 38-12-212.5, C.R.S., and Rule 3.4 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.
- 4.5 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.
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- C. Third or subsequent offense, may be fined up to \$5,000, per violation per day.
- 4.6 The Division will scale any penalties assessed under section 38-12-1105(3)(c), C.R.S., for failing to timely respond to a subpoena 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.
- 4.7 If the current or former management or landlord violates section 38-12-223, C.R.S., or Rule 10.1 of these rules, related to preservation of and access to tenancy and park sale records, the Division may assess penalties of:
- A. First offense, up of to \$100 per violation.
 - B. Second offense, up to \$250 per violation.
 - C. Third offense, up to \$500 per violation.

RULE 5. REQUIREMENTS FOR THE NOTICE OF HOME OWNER AND RESIDENT RIGHTS

- 5.1 Pursuant to section 38-12-1104(2)(c), C.R.S., the management or landlord must post and maintain the Notice of Home Owner and Resident Rights (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 common resident mailbox location; every rent payment dropbox or other rent payment location; and every community hall, recreation hall, and clubhouse. The management or landlord must post this Notice in a form authorized by the Division within seven (7) calendar days of receiving the Notice from the Division.
- 5.1.1 If there is no common resident mailbox location, rent payment location, community hall, recreation hall, or clubhouse in the mobile home park, the management or landlord must post and maintain the 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 the management or landlord may post and maintain the Notice include, but are not limited to:
- A. Outside every management office;
 - B. At every park entrance; or
 - C. On the front of every dumpster 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 Notice in a clearly visible and accessible location 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 of these rules, the management or landlord must provide the Notice in an accessible format for any home owner or resident with disabilities (e.g. Braille or audio recording) upon request. These formats are available to the management or landlord from the Division by request.
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- 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 Notice to each home owner and resident within seven (7) calendar days of receiving the Notice from the Division and on an annual basis, by posting it on the door of every mobile home or mailing it to each home owner and resident at either the address provided in the rental agreement or the most recent mailing address of the home owner or resident on file with the management or landlord.
- 5.2.1 As an alternative to Rule 5.2, the management or landlord may email a copy of the Notice to a home owner(s) or resident(s), only if the home owner or resident 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 or resident, 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 Notice with each new lease executed with a home owner or resident, and to each home owner and resident after a change in park ownership.

RULE 6. MANAGEMENT, LANDLORD, AND HOME OWNER RESPONSIBILITIES

Landlord Maintenance of the Premises

- 6.1 Trees – Notwithstanding the landlord’s responsibility to maintain trees on the premises under section 38-12-212.3(2)(b)(IV), C.R.S., a home owner may enter a voluntary, written agreement with their landlord to take on the responsibility for simple trimming that does not affect the safety of park residents or their property 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(3), C.R.S.
- 6.2 Fences – Fences located on the “premises” as defined in section 38-12-201.5(8), C.R.S., are presumed to be the responsibility of the landlord pursuant to section 38-12-212.3(2)(b), 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(3), C.R.S.
- 6.3 Incorporated Codes – Pursuant to section 38-12-212.3(2)(b)(I), C.R.S., the following health and safety laws applicable to mobile home parks are incorporated by reference:
- A. 6 CCR 1010-12, *Mobile Home Parks*, effective January 1, 1975.
- 6.3.1 Interested parties may inspect the referenced incorporated materials by contacting the Division at 1313 Sherman Street, Denver, CO 80203.
- 6.3.2 These regulations do not include later amendments to or editions of the incorporated material.

Compliance with Park Rules and Regulations

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- 6.4 Mobile Home Sales and Transfers – If the management provides a written list pursuant to section 38-12-214(2.5)(b), C.R.S., the written list shall include:
- A. Any and all items the management knows, or reasonably should have known, would require correction 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. Any park rule or regulation cited must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.

Charges to Home Owners

- 6.5 Limitations on Charges for Noncompliance – The following rules apply when 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.
- 6.5.1 Before entering the mobile home space, the management shall first provide the home owner with a reasonable time to cure the alleged noncompliance and an estimate of the cost if the landlord cures the noncompliance instead (when an estimate is reasonably available and a charge would be permitted by the rental agreement).
 - 6.5.2 If the home owner fails to cure or contest the noncompliance (ex. by communicating with the management or filing a complaint with the Program) within a reasonable amount of time, the management shall make a reasonable effort to notify the home owner of the management's intention to enter the mobile home space and cure the noncompliance at least forty-eight (48) hours before entry.
 - 6.5.3 All of the following conditions must be met for the management to charge 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:
 - A. The potential for a charge must be adequately disclosed in writing in the rental agreement pursuant to section 38-12-213(1)(f), C.R.S.;
 - B. The amount of the charge or the charge itself cannot be a prohibited "entry fee," as defined in section 38-12-201.5(1), C.R.S., and prohibited by section 38-12-209(1), C.R.S.; and
 - C. If the charge is for the cost of ensuring compliance with a rule or regulation of the park, the rule or regulation must be reasonable and enforceable under section 38-12-214(1)-(4), C.R.S.
- 6.6 Limitations on Pet Deposits – Pursuant to sections 38-12-102(6) and 38-12-103(1), C.R.S.:
- 6.6.1 The management or landlord cannot charge or collect a nonrefundable pet deposit from a home owner or prospective home owner.
 - 6.6.2 The management or landlord may only charge or collect a refundable pet deposit from a home owner or prospective home owner, if the total combined amount of the security deposit and refundable pet deposit is no greater than one month's rent.
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6.7 Pet Rent Definition – Pursuant to sections 38-12-201.5(1) and 38-12-209(1), C.R.S., any recurring charges to home owners with pets must either be part of the “rent,” as defined in section 38-12-201.5(9), C.R.S., or fall under an exception to the prohibition on “entry fee[s]” under section 38-12-201.5(1)(c) or (e), C.R.S.

6.7.1 If the management or landlord charges or collects pet rent as part of a home owner’s rent, instead of as an exception to the prohibition on entry fees:

- A. The amount or application of pet rent must not be discriminatory nor retaliatory in nature; and
- B. All statutes and rules applicable to rent, including, but not limited to sections 38-12-213(1)(a) (on rental agreements), 38-12-204(2) (on notice of rent increases), and 38-12-204(3) (limiting the frequency of rent increases), C.R.S., apply to pet rent as part of the tenant’s total rent.

Landlord Notices to Residents

6.8 Lot Entry Notices –

6.8.1 Pursuant to section 38-12-222(3), C.R.S., the management will have delivered advance notice of lot entry “in a manner that is reasonably likely to be seen or heard by the resident in a timely manner” if the management provides notices to a resident by one of the methods below:

- A. Text message, if the resident has a telephone number that can receive text messages;
- B. Electronic mail, if the resident has provided the landlord with an email address;
- C. A documented telephone call, if the management speaks to the resident or leaves a voicemail message for the resident;
- D. A documented verbal conversation with resident; or
- E. Posting a written notice on the main entrance to the resident’s mobile home. Pursuant to section 38-12-222(3), C.R.S., the management does not need to provide the resident notice before posting a notice under this Rule 6.8.1(E) on the main entrance to the mobile home.

6.8.2 If a resident invites the management onto the resident’s mobile home space on a certain date and approximate time, the management may enter that resident’s space at the date and approximate time they were invited onto the space by the resident, without providing notice pursuant to section 38-12-222(3), C.R.S.

6.8.3 For purposes of meter reading for monthly water, sewer, or utility billing, notice will be sufficient under section 38-12-222(3), C.R.S., if it is provided to residents once every twelve (12) months, at least forty-eight (48) hours before meter reading takes place, and includes a date range and time range for meter reading, provided that:

- A. The date range does not exceed five (5) calendar days; and
 - B. The time range does not exceed eight (8) hours on any calendar day.
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- 6.8.4 If the management needs to enter a residents lot to complete a specific maintenance or repair project pursuant to sections 38-12-212.3(1)-(2), C.R.S., or Rules 6.1-6.3 of these rules, that will take more than one day to complete, notice will be sufficient under section 38-12-222(3), C.R.S., if the notice:
- A. Is provided to the resident at least forty-eight (48) hours before the maintenance or repair project starts;
 - B. Includes a description of each stage of work that the management will be entering the resident's lot to perform; and
 - C. Includes a specific date range and time range for each stage of work.
- 6.8.5 The management is not required to provide more than one notice of lot entry to a resident for a specific maintenance or repair project pursuant to sections 38-12-212.3(1)-(2), C.R.S., or Rules 6.1-6.3 of these rules, as long as notice has been provided pursuant to section 38-12-222(3), C.R.S., and Rule 6.8.4 of these rules, and the maintenance or repair project is completed within the date range and time range described in the notice pursuant to Rule 6.8.4(C) of these rules. If the management needs to enter the resident's lot at a date or time that was not included in a notice pursuant to section 38-12-222(3), C.R.S., or Rule 6.8.4 of these rules, the management must provide a new notice to the resident pursuant section 38-12-222(3), C.R.S.
- 6.9 Water Service Disruption Notices – Pursuant to section sections 38-12-212.3 (1)(a)(III)(C) and (1)(c), C.R.S., the management must provide a water service disruption notice to each resident by at least one of the following methods:
- A. Text message, if the resident has a telephone number that can receive text messages;
 - B. Electronic mail, if the resident has provided the landlord with an email address;
 - C. A documented telephone call, if the management speaks to the resident or leaves a voicemail message for the resident;
 - D. A documented verbal conversation with resident; or
 - E. Posting a written notice on the main entrance to the resident's mobile home. Pursuant to section 38-12-222(3), C.R.S., the management does not need to provide the resident notice before posting a notice under this Rule 6.9 on the main entrance to the mobile home.

Home Owner Meetings

- 6.10 Pursuant to section 38-12-206(2), C.R.S., a "fee" shall not include a fully refundable deposit made by a resident prior to the use of a common building or space in the park. This deposit shall be returned upon completion of the use of a common building or space in the park within thirty (30) calendar days. The deposit shall be returned with an accounting of deductions, if any. Pursuant to section 38-12-206(2), C.R.S., deductions shall be limited to the reasonable costs of cleaning or repairing actual damages beyond normal wear and tear that were caused by the resident or their guest(s).
- 6.11 The management, landlord, agent, employee, or authorized representative who attends a home owner or resident meeting requested pursuant to section 38-12-206(3), C.R.S., must be someone who has the authority to make decisions on behalf of the park owner. If the home owner or resident asked to meet with the landlord on a specific topic(s), the landlord shall make a
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reasonable effort to have someone attend the meeting who has decision-making authority on such topic(s).

RULE 7. WATER USAGE, BILLING, AND LEAKS

- 7.1 The requirements in section 38-12-212.4(1), C.R.S., apply to all types of water usage, including sewer and storm water usage.
- 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 reasonable, equitable, and consistent; does not violate any of the provisions in section 38-12-212.4, C.R.S.; and is not in violation of the home owner's rental agreement established pursuant to section 38-12-213, C.R.S.
- 7.3 Only 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 owner's 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; and
 - C. The total amount paid by the management to the provider for the previous month.
- 7.4 In the event that any water usage, billing, or payment information required under section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules is not available to the management due solely to circumstances beyond the management's control, the management shall take reasonable steps to comply with section 38-12-212.4(2), C.R.S., and Rule 7.3 of these rules, and to provide accurate disclosures to home owner as soon as reasonably possible and in a manner that meets the intent of section 38-12-212.4, C.R.S.

RULE 8. PARK SALES AND HOME OWNER OPPORTUNITY TO PURCHASE

- 8.1 Listing – For purposes of section 38-12-217(1)(a)(II)(G), 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 Conversations with Home Owners Allowed – For purposes of section 38-12-217(1)(d), C.R.S., a landlord may answer questions and communicate with home owners about the landlord's intent to sell the mobile home park or the opportunity to purchase during the initial ninety (90) days after giving notice, provided that the landlord does not take any actions that are prohibited by section 38-12-217(1)(d), C.R.S.
- 8.3 Contents of Park Sale Notice – Pursuant to section 38-12-217(3), C.R.S., the "price, terms, and conditions" to sell the park include, but are not limited to:
- A. Any money or compensation the seller or seller's agent has paid or intends to pay to the potential buyer or buyer's agent, including due diligence costs or brokerage fees;
 - B. Whether or not the seller has signed a conditional contract for the sale of the park with a potential buyer, or intends to do so within the next ninety (90) calendar days;
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- C. Whether or not the proposed sale includes more than one mobile home park or piece of real estate (for example, is part of a portfolio or bundled sale); and
- D. For sales that include more than one mobile home park or piece of real estate, like portfolio or bundled sales:
- i. The name and property description of any and all other mobile home parks or real estate included in the proposed sale;
 - ii. The total price, terms, and conditions of an acceptable offer to sell all of the properties located in the state of Colorado; and
 - iii. The price, terms, and conditions of an acceptable offer to sell each of the mobile home parks located in the state of Colorado that are included in the proposed sale.
- 8.4 Pursuant to sections 38-12-217(9)(b)(I)(B) and (9)(b)(II), C.R.S., a material change to the price, terms, or conditions shall mean any increase or decrease to the financial terms of the proposed sale that exceeds ten (10) percent of the financial terms included in the most recent notice required under section 38-12-217(1)(a), C.R.S.
- 8.5 Evidence of Majority Approval – When providing reasonable evidence of majority home owner approval pursuant to section 38-12-217(4)(c), C.R.S., a group or association of home owners or their assignees may submit a written statement to the landlord that the group, association, or their assignees has written evidence that at least fifty-one percent (51%) of the owners of occupied homes have approved the group, association, or their assignee's offer to purchase. To be considered reasonable evidence, this written statement must be signed by an attorney, government official, or another mutually acceptable third party, who attests to the truthfulness of the group, association, or their assignees' claim.
- 8.6 Calculating Home Owner Majorities – For purposes of calculating the percentages described in sections 38-12-217(1)(c), (4)(c), and (8)(b)(I), C.R.S., percentages are based on the total number of individual home owners in the mobile home park, without consideration for the total number of resident-owned homes or any homes owned by the landlord.
- 8.7 Affidavit of Compliance – Pursuant to section 38-12-217(11), C.R.S., the landlord:
- A. Shall not file the affidavit of compliance before the home owners' opportunity to purchase terminates or expires pursuant to sections 38-12-217(1)(c) or (6)(a), C.R.S.; and
 - B. Shall file the affidavit of compliance on a Division-approved form within thirty (30) calendar days after the sale or transfer of the park is final.
- 8.8 Exemption Form – If a park sale or transfer qualifies for an exemption from the notice and opportunity to purchase requirements pursuant to sections 38-12-217(12) and (13), C.R.S., the landlord shall provide evidence of compliance by filing a Division-approved exemption form within thirty (30) calendar days after the closing date of the exempt sale or transfer with:
- A. The municipality or, if the park is in an unincorporated area, the county, within which the park is located; and
 - B. The Division of Housing in the Department of Local Affairs.
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- 8.9 Enforcement – The Division may impose a fine on the seller of a mobile home park pursuant section 38-12-217(15)(b)(I), C.R.S., or file a civil action for injunctive or other relief pursuant to section 38-12-217(15)(b)(II), C.R.S., where an action accrued or a complaint was filed prior to October 1, 2022.
- 8.10 Tolling and Assignment – A group or association of home owners or their assignees may exercise their rights under the following subsections of section 38-12-217, C.R.S., regardless of when the landlord provided notice of the landlord’s intent to sell the mobile home park pursuant to section 38-12-217(1)(a), C.R.S. If a triggering event occurred requiring notice under section 38-12-217(1)(a)(II), C.R.S., but the landlord failed to provide notice as required by section 38-12-217(2)(a), C.R.S., a group or association of home owners or their assignees may also exercise their rights under the following subsections:
- A. Tolling of the time periods described in subsections 38-12-217(4)(a) and (6)(b), C.R.S., pursuant to section 38-12-217(7)(b)(I), C.R.S.; and
 - B. Assignment of their rights to a public entity pursuant to section 38-12-217(8)(b)-(f), C.R.S.

RULE 9. PARK CHANGES IN USE AND HOME OWNER REMEDIES

- 9.1 Requests for Relocation Costs – Pursuant to section 38-12-203.5(2)(a), C.R.S., a home owner(s) must submit their written demand to the landlord for the landlord to provide relocation costs to the home owner(s) at least thirty (30) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.2 Requests for Fixed Sale Price – Pursuant to section 38-12-203.5(2)(b), C.R.S., a home owner(s) may, at the home owner’s or home owners’ choosing, submit a written demand to the landlord for the landlord to make a binding offer to purchase their mobile home for the amount specified in sections 38-12-203.5(2)(b)(I) and (4), C.R.S., without going through the appraisal process set forth in section 38-12-203.5(2)(b)(II), C.R.S. To exercise this option, the home owner(s) must:
- A. Clearly state in their written demand to the landlord pursuant to section 38-12-203.5(2), C.R.S., that the home owner(s) is choosing to receive the amount specified in sections 38-12-203.5(2)(b)(I) and (4), C.R.S., without going through the appraisal process; and
 - B. Submit their written demand to the landlord at least thirty (30) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.3 Requests for Appraisal – Pursuant to section 38-12-203.5(2)(b), C.R.S., a home owner(s) must submit their written demand to the landlord for the landlord to submit a binding offer to purchase their mobile home at least one hundred and fifty (150) days before the date of the change in use set forth in the notice required by section 38-12-203(1)(d)(II), C.R.S.
- 9.3.1 The one hundred and fifty (150) day deadline in this Rule 9.3 does not apply if the home owner(s) chooses not to go through the appraisal process, pursuant to Rule 9.2 of these rules.
- 9.4 Contents of Notice – Pursuant to section 38-12-203(1)(d)(II), C.R.S., the written notice of the landlord’s intent to change the use of the land and evict the home owner(s) and must advise the home owner(s) of the deadlines described in Rules 9.1-9.3 of these rules to demand each remedy under in section 38-12-203.5(2), C.R.S.

RULE 10. TENANCY AND PARK SALE RECORDS

- 10.1 Pursuant to section 38-12-223(1) and (5), C.R.S., the following rules apply when a resident
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requests copies of their tenancy records from the landlord:

- 10.1.1 At mobile home parks where there is an on-site management office, the management must allow residents to view any or all of their own tenancy records by appointment during normal business hours.
- 10.1.2 Upon the request of a resident, the management must provide one copy of the resident's tenancy records as described in section 38-12-223(1), C.R.S., at no charge once every twelve (12) months.
 - A. The management may not charge a fee for delivering, mailing, or e-mailing the documents requested under this Rule 10.1.2.
 - B. The management must provide the resident all of the available records requested pursuant to this Rule 10.1.2 within ten (10) business days after the resident submits the request to the management.
- 10.1.3 If a resident requests more than one copy of their tenancy records, or requests a single copy of their tenancy records more than once in any twelve-month period, the management may charge the resident a reasonable fee to cover the actual costs of compiling, printing, redacting, and sharing the records.
 - A. Before charging a resident under this Rule 10.1.3, the management will provide an invoice to the resident, and obtain the resident's written consent to move forward with the charge.
 - B. The management must provide the resident all of the available records requested pursuant to this Rule 10.1.3 within ten (10) business days after the resident pays the amount invoiced under Rule 10.1.3(A) of these rules.
- 10.1.4 A resident may request copies of documents that are part of their tenancy records in person, in writing, by telephone, by text message, or by electronic mail.
- 10.1.5 In lieu of paper copies, a resident may request that the management send the responsive documents to the resident by electronic mail.
- 10.1.6 Upon the request of a resident, the management must provide the resident with detailed documentation of the resident's monthly charges and payments over the last twelve (12) months of tenancy. The management must provide the first copy requested in a twelve (12) monthly period to the resident at no charge pursuant to Rule 10.1.2 of these rules. The management may charge the resident for the second or subsequent copy in a twelve (12) month period pursuant to Rule 10.1.3 of these rules.

RULE 11. PETITIONS FOR DECLARATORY ORDERS CONCERNING THE MOBILE HOME PARK ACT AND DISPUTE RESOLUTION AND ENFORCEMENT PROGRAM

- 11.1 Pursuant to section 24-4-105(11), C.R.S., any person may petition the Department of Local Affairs, Division of Housing for a declaratory order to terminate controversies or remove uncertainties as to the applicability to the petitioner of any provision of the Act (Title 38, Article 12, Part 2, C.R.S.), Program (Title 38, Article 12, Part 11, C.R.S.), or rules (8 CCR 1302-15).
 - 11.1.1 The parties to any petition for a declaratory order pursuant to this regulation shall be the petitioner and the Division.
 - 11.2 Each petition for a declaratory order shall set forth the following:
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- A. The first and last name, mailing address, phone number, and email address (if any) of the petitioner;
 - B. Whether the petitioner is the management or landlord of a mobile home park pursuant to section 38-12-201.5(3), C.R.S., and if yes, the registration number for the mobile home park issued by the Division pursuant to section 38-12-1106(10), C.R.S.;
 - C. Whether the petitioner is a resident of a mobile home park pursuant to section 38-12-201.5(11), C.R.S., and if yes, whether the petitioner is also a home owner pursuant to section 38-12-201.5(2), C.R.S.;
 - D. The statute or rule to which the petition relates;
 - E. A concise statement of all of the facts necessary to show the nature of the controversy or the uncertainty as to the applicability to the petitioner of the statute or rule to which the petition relates;
 - F. A concise statement of the legal authorities, if any, and such other reasons upon which petitioner relies; and
 - G. A concise statement of the declaratory order sought by the petitioner.
- 11.3 A petition for a declaratory order shall be served on the Division by emailing and mailing such petition to the Mobile Home Park Oversight Program (MHPOP). Each petition for a declaratory order shall contain a certification that the service requirements of this paragraph have been met.
- 11.4 The Division Director or their designee will determine, in their sole discretion without prior notice to the petitioner, whether to entertain any petition. If the Division Director or designee decides not to entertain a petition, the Division will notify the petitioner in writing of its decision and the reasons for that decision. Any of the following grounds may be sufficient reason to refuse to entertain a petition, including, but not limited to:
- A. A ruling on the petition will not terminate the controversy nor remove uncertainties concerning the applicability to petitioner of the statute or rule in question;
 - B. The petition involves a subject, question, or issue which is involved in a written complaint previously filed with MHPOP, an on-going investigation being conducted by MHPOP, or a pending hearing before the Office of Administrative Courts;
 - C. The petition seeks a ruling on a moot or hypothetical question, having no applicability to the petitioner; or
 - D. Petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Colorado Rule of Civil Procedure 57, which will terminate the controversy or remove any uncertainty concerning applicability of the statute or rule.
- 11.5 If the Division Director or designee determines that they will entertain the petition for declaratory order, the Division shall promptly so notify all parties involved, and the following procedures shall apply:
- 11.5.1 The Division Director or designee may issue a declaratory order on the basis of the facts and legal authority presented in the petition, or request the petitioner submit additional evidence and legal argument in writing.
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- 11.5.2 In ruling on a petition for declaratory order, the Division may take administrative notice of general, technical, or scientific facts within the Division's knowledge.
 - 11.5.3 The Division Director or designee may dispose of the petition without conducting an evidentiary or other hearing. If the Division does so, any ruling will apply only to the extent of the facts presented in the petition and any amendment to the petition.
 - 11.5.4 The Division may consolidate for determination petitions raising similar issues of fact or law.
 - 11.5.5 Every declaratory order shall be decided and issued in writing, specifying the basis in fact and law for the order.
 - 11.5.5 A declaratory order shall constitute agency action subject to judicial review pursuant to section 24-4-106, C.R.S.
- 11.6 Record Retention and Reliability – Files of all requests and declaratory orders will be maintained and relied upon by the Division for a period of five (5) years, unless the declaratory order is superseded by a statutory or regulatory change, or amended or reversed by a court of law. Except with respect to any material required by law to be kept confidential, such files shall be available for public inspection.
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