



**RESOLUTION CONCERNING ADOPTION OF EMERGENCY
AMENDMENTS TO DIVISION OF HOUSING RULES 8.10 and 8.11(A)-(B),
8 C.C.R. 1302-15**

WHEREAS, on May 16, 2022, the Colorado General Assembly passed House Bill (HB) 22-1287, Protections for Mobile Home Park Residents, concerning protections for mobile home park residents, and, in connection therewith, making an appropriation;

WHEREAS, on May 26, 2022, Governor Jared S. Polis signed HB 22-1287;

WHEREAS, HB 22-1287 takes effect at 12:01 a.m. on October 1, 2022;

WHEREAS, section 16 of HB 22-1287 in part amended and clarified the remedies for the Division where a violation of section 38-12-217, C.R.S., occurs or allegedly occurs; amended the procedure where a group or association of home owners file a complaint alleging a violation of section 38-12-217, C.R.S., or assign their rights to a public entity; and extended the opportunity to purchase time period from ninety days to one hundred and twenty days;

WHEREAS, a temporary or emergency rule may be adopted under section 24-4-103(6)(a), C.R.S., if an agency finds that immediate adoption of a rule is imperatively necessary and that compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest;

WHEREAS, the immediate adoption of the emergency amendments to Rules 8.10 *Enforcement* and 8.11(A)-(B) *Tolling and Assignment* under Rule 8 are imperatively necessary to comply with newly enacted law in order to clarify that, in the event a mobile home park owner has sent notice of a triggering event, including but not limited to the owner's intent to sell and/or sign a contract, the procedures and requirements must conform to the provisions of HB 12-1287, so compliance with the procedural requirements of section 24-4-103, C.R.S., would be contrary to public interest because the new law is effective October 1, 2022;

WHEREAS, the proposed emergency rule amendment is necessary for the Division of Housing and Mobile Home Park Oversight Program to carry out the purposes of HB 22-1287 and the modifications therein by the effective date for section 16 of HB 22-1287, and immediate adoption of the emergency amendments to Rules 8.10 and 8.11(A)-(B) will allow home owners and park owners to understand and comply with law under section 38-12-217, C.R.S.; and,

WHEREAS, a permanent change could be achieved no sooner than November 2022, given the process for notice and promulgation of the rules pursuant to the





provisions of section 24-4-103, C.R.S., and the inclusion of stakeholder feedback in the previous months.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Director of the Division of Housing, based on the facts recited above, as follows:

The immediate adoption of the emergency rule amendments for Division of Housing Rules 8.10 and 8.11(A)-(B), effective October 1, 2022, is imperatively necessary to implement the Mobile Home Park Act and the Dispute Resolution and Enforcement Program, and to ensure the regulated community has clear guidance regarding the changes in HB 22-1287, and the delay resulting from strict compliance with the requirements of section 24-4-103, C.R.S., would be contrary to the public interest.

These emergency rule amendments for Division of Housing Rules 8.10 and 8.11(A)-(B) will remain in effect up to one hundred and twenty days from the date of the adoption of these emergency rules, per section 24-4-103(6)(a), C.R.S., unless superseded and repealed through permanent rulemaking prior to the expiration of that period of time.

RESOLVED AND ENTERED this 12th day of September, 2022.

DIVISION OF HOUSING

By: 

Alison George, Director

