Attachment I

DRAFT
10.11.13

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

BILL 9

Temporary storage location: S:\LLS\2014A\Bills\Pre-Draft\14-0160.wpd

LLS NO. 14-0160.01 Bob Lackner x4350 **INTERIM COMMITTEE BILL**

Economic Opportunity Poverty Reduction Task Force

SHORT TITLE: "Manufactured Home Communities"

A BILL FOR AN ACT

CONCERNING MANUFACTURED HOME COMMUNITIES, AND, IN CONNECTION THEREWITH, PRESERVING MANUFACTURED HOME COMMUNITIES AND MITIGATING THE IMPACTS OF RELOCATION RESULTING FROM THE REDEVELOPMENT OF SUCH COMMUNITIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Economic Opportunity Poverty Reduction Task Force. The bill summary for this measure has been intentionally omitted and will appear on future redrafts of this measure.

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

SECTION 1. In Colorado Revised Statutes, **amend** 38-12-200.1 as follows:

38-12-200.1. Short title. This part 2 shall be known and may be cited as the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT".

SECTION 2. In Colorado Revised Statutes, **amend** 38-12-201.3 as follows:

38-12-201.3. Legislative declaration - increased availability of manufactured home communities. (1) The general assembly hereby finds and declares that mobile homes, manufactured ~~housing~~ HOMES, and factory-built housing are important and effective ways to meet Colorado's affordable housing needs. The general assembly further finds and declares that, because of the unique aspects of ~~mobile homes and mobile home park ownership~~ MANUFACTURED HOMES AND THE OWNERSHIP OF MANUFACTURED HOME COMMUNITIES, there is a need to protect ~~mobile home~~ owners OF MANUFACTURED HOMES from eviction with short notice so as to prevent ~~mobile home~~ SUCH owners from losing their shelter as well as any equity in their ~~mobile~~ homes. The general assembly encourages local governments to allow and protect ~~mobile home parks~~ MANUFACTURED HOME COMMUNITIES in their jurisdictions and to enact plans to increase the number of ~~mobile home parks~~ SUCH COMMUNITIES in their jurisdictions. The general assembly further encourages local

governments to provide incentives to ~~mobile home park~~ THE owners OF MANUFACTURED HOME COMMUNITIES to attract additional ~~mobile home parks~~ MANUFACTURED HOME COMMUNITIES and to increase the viability of current ~~parks~~ COMMUNITIES.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS THE POLICY OF THE STATE TO PRESERVE AFFORDABLE HOUSING, ENHANCE THE QUALITY AND STABILITY OF MANUFACTURED HOME COMMUNITIES, AND FOSTER THE COMMITMENT TO SOCIETY THAT COMES THROUGH HOME OWNERSHIP AND SELF-GOVERNANCE BY ENCOURAGING RESIDENT OWNERSHIP OF MANUFACTURED HOME COMMUNITIES THROUGH RESIDENT OWNED COMMUNITIES, ASSOCIATIONS OR COOPERATIVES COMPRISED OF OWNERS OF MANUFACTURED HOMES, LAND TRUSTS, NON-PROFIT HOUSING DEVELOPERS, AND HOUSING AUTHORITIES, OR SIMILAR ORGANIZATIONS OR ENTITIES.

(3) THIS PART 2 SHALL BE LIBERALLY CONSTRUED TO ACCOMPLISH THE LEGISLATIVE INTENT EXPRESSED IN SUBSECTIONS (1) AND (2) OF THIS SECTION.

SECTION 3. In Colorado Revised Statutes, 38-12-201.5, **add** (1.6) and (1.7) as follows:

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

(1.6) "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS, WITHOUT MOTIVE POWER, WHERE SUCH UNIT OR UNITS ARE MANUFACTURED IN A FACTORY OR AT A LOCATION OTHER THAN THE RESIDENTIAL SITE OF THE COMPLETED HOME, WHICH IS DESIGNED AND COMMONLY USED FOR OCCUPANCY BY PERSONS FOR RESIDENTIAL

PURPOSES, IN EITHER TEMPORARY OR PERMANENT LOCATIONS, AND WHICH UNIT OR UNITS ARE NOT LICENSED AS A VEHICLE.

(1.7) "MANUFACTURED HOME COMMUNITY" MEANS ANY INDIVIDUAL SITE, AREA, TRACT, OR PARCEL OF LAND UPON WHICH TWO OR MORE MANUFACTURED HOMES USED OR OCCUPIED FOR DWELLING PURPOSES ARE LOCATED, AND SHALL INCLUDE ANY ROADWAY, BUILDING, STRUCTURE, INSTALLATION, ENCLOSURE, FIXTURES, EQUIPMENT, OR VEHICLE USED OR INTENDED FOR USE AS A PART OF THE FACILITIES OF THE COMMUNITY. ANY MOBILE HOME PARK THAT MEETS THE DEFINITION OF A MANUFACTURED HOME COMMUNITY IS SYNONYMOUS WITH A MANUFACTURED HOME COMMUNITY AND IS HEREAFTER RENAMED IN THIS PART 2 AS A MANUFACTURED HOME COMMUNITY.

SECTION 4. In Colorado Revised Statutes, 38-12-202, **amend** (1) (b) as follows:

38-12-202. Tenancy - notice to quit. (1) (b) Service of the notice to quit shall be ~~as specified in section 13-40-108, C.R.S. Service by posting shall be deemed legally sufficient within the meaning of section 13-40-108, C.R.S., if the notice is affixed to the main entrance of the mobile home~~ PERSONALLY SERVED UPON THE HOME OWNER. IF PERSONAL SERVICE ON THE HOMEOWNER HAS BEEN ATTEMPTED WITHOUT SUCCESS, SERVICE OF THE NOTICE TO QUIT MUST BE AFFIXED TO THE MAIN ENTRANCE OF THE HOME IN A CONSPICUOUS PLACE AND ALSO MAILED BY MEANS OF UNITED STATES MAIL TO THE ADDRESS OF THE HOME AS SPECIFIED IN THE LEASE OR RENTAL AGREEMENT.

SECTION 5. In Colorado Revised Statutes, 38-12-202.5, **amend** (2) as follows:

38-12-202.5. Action for termination. (2) (a) ~~Service of summons shall be as specified in section 13-40-112, C.R.S. Service by posting shall be deemed legally sufficient within the meaning of section 13-40-112, C.R.S., if the summons is affixed to the main entrance of the mobile home.~~ SERVICE OF SUMMONS SHALL BE EITHER:

(I) PERSONALLY SERVED UPON THE HOME OWNER; OR

(II) IF PERSONAL SERVICE ON THE HOMEOWNER HAS BEEN ATTEMPTED WITHOUT SUCCESS, AFFIXED TO THE MAIN ENTRANCE OF THE HOME IN A CONSPICUOUS PLACE AND ALSO MAILED BY MEANS OF UNITED STATES MAIL TO THE ADDRESS OF THE HOME AS SPECIFIED IN THE LEASE OR RENTAL AGREEMENT.

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE HOME OWNER SHALL BE GIVEN NOT LESS THAN THIRTY DAYS TO RESPOND TO A SUMMONS, AND ANY COURT HEARING FOLLOWING SERVICE OF THE SUMMONS MUST BE SCHEDULED FOR NOT LESS THAN THIRTY DAYS AFTER THE HOME OWNER HAS BEEN SERVED WITH THE SUMMONS.

SECTION 6. In Colorado Revised Statutes, 38-12-204, **amend** (2); and **add** (3) as follows:

38-12-204. Nonpayment of rent - notice required for rent increase. (2) ~~Rent shall not be increased without sixty days' written notice to the home owner~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE OWNER OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY MAY INCREASE THE RENT NOT MORE THAN ONCE EACH YEAR COMMENCING ON THE ANNIVERSARY OF THE DATE THE HOME OWNER EXECUTED THE LEASE OR RENTAL AGREEMENT AND ONLY WHERE THE OWNER OR MANAGEMENT OF THE COMMUNITY GIVES THE HOMEOWNER NINETY DAYS' NOTICE IN WRITING OF THE PROPOSED RENT INCREASE. In

addition to the amount and the effective date of the rent increase, such written notice shall include the name, address, and telephone number of the ~~mobile home park~~ management OF THE MANUFACTURED HOME COMMUNITY, if such management is a principal owner, or owner of the ~~mobile home park~~ COMMUNITY and, if the owner is other than a natural person, the name, address, and telephone number of the owner's chief executive officer or managing partner; except that such ownership information need not be given if it was disclosed in the rental agreement made pursuant to section 38-12-213.

(3) THE OWNER OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY MAY PROVIDE THE BASIS FOR THE RENT INCREASE AS A GESTURE OF GOODWILL, AND THIS BASIS FOR THE RENT INCREASE MUST BE COMMUNICATED TO THE HOMEOWNER BY MEANS OF THE NOTICE REQUIRED BY SUBSECTION (2) OF THIS SECTION.

SECTION 7. In Colorado Revised Statutes, 38-12-204.3, **amend** (2) as follows:

38-12-204.3. Notice required for termination. (2) The notice required under this section shall be in at least ~~ten-point~~ TWELVE-POINT type and shall read as follows:

IMPORTANT NOTICE TO THE HOME OWNER:

This notice and the accompanying notice to quit/notice of nonpayment of rent are the first steps in the eviction process. Any dispute you may have regarding the grounds for eviction should be addressed with your landlord or the management of the ~~mobile home park~~ MANUFACTURED HOME COMMUNITY or in the courts if an eviction action is filed. Please be advised that the ~~"Mobile Home Park Act"~~

"MANUFACTURED HOME COMMUNITIES ACT", part 2 of article 12 of title 38, Colorado Revised Statutes, may provide you with legal protection:

NOTICE TO QUIT: The landlord or management of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY must PERSONALLY serve to a home owner a notice to quit in order to terminate a home owner's tenancy. The notice must be in writing and must contain certain information, including:

- The grounds for the termination of the tenancy;
- Whether or not the home owner has a right to cure under the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT"; and
- That the home owner has a right to mediation pursuant to section 38-12-216, Colorado Revised Statutes, of the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT".

NOTICE OF NONPAYMENT OF RENT: The landlord or management of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY must serve to a home owner a notice of nonpayment of rent in order to terminate a home owner's tenancy. The notice must be in writing and must require that the home owner either make payment of rent and any applicable fees due and owing or remove the owner's unit from the premises, within a period of not less than five days after the date the notice is served or posted, for failure to pay rent when due.

CURE PERIODS: If the home owner has a right to cure under the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT", the landlord or management of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY cannot terminate a home owner's tenancy without first providing the home owner with a time period of 30 DAYS to cure the

noncompliance. "Cure" refers to a home owner remedying, fixing, or otherwise correcting the situation or problem that caused the tenancy to be terminated pursuant to sections 38-12-202, 38-12-203, or 38-12-204, Colorado Revised Statutes.

COMMENCEMENT OF LEGAL ACTION TO TERMINATE THE TENANCY: After the last day of the notice period, a legal action may be commenced to take possession of the space leased by the home owner. In order to evict a home owner, the landlord or management of the ~~mobile home park~~ MANUFACTURED HOME COMMUNITY must prove:

- The landlord or management complied with the notice requirements of the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT";
- The landlord or management provided the home owner with a statement of reasons for termination of the tenancy; and
- The reasons for termination of the tenancy are true and valid under the ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT".

A home owner must appear in court, IN PERSON OR THROUGH A REPRESENTATIVE, to defend against an eviction action. If the court rules in favor of the landlord or management of the mobile home park, the home owner will have not less than ~~48 hours~~ 5 DAYS from the time of the ruling to remove the mobile home and to vacate the premises. If a tenancy is being terminated pursuant to section 38-12-203 (1) (f), Colorado Revised Statutes, the home owner shall have not less than ~~48 hours~~ 5 DAYS from the time of the ruling to remove the home and vacate the premises. In all other circumstances, if the home owner wishes to extend such period beyond ~~48 hours~~ 5 DAYS but not more than thirty days from

the date of the ruling, the home owner shall prepay to the landlord an amount equal to any total amount declared by the court to be due to the landlord, as well as a pro rata share of rent for each day following the court's ruling that the mobile home owner will remain on the premises. All prepayments shall be paid by certified check, by cashier's check, or by wire transfer and shall be paid no later than ~~48 hours~~ 5 DAYS after the court ruling. IF THE HOME OWNER PAYS TO THE LANDLORD THE TOTAL AMOUNT OF RENT DUE AND OWING ALONG WITH ALL COURT COSTS INCURRED BY THE LANDLORD AS OF THE DATE OF THE JUDGMENT WITHIN FIVE DAYS OF JUDGMENT BEING ENTERED, THE HOME OWNER'S TENANCY WILL BE REINSTATED.

SECTION 8. In Colorado Revised Statutes, **amend** 38-12-205 as follows:

38-12-205. Termination prohibited. (1) A tenancy or other estate at will or lease in a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY may not be terminated solely for the purpose of making the home owner's space in the ~~park~~ COMMUNITY available for another mobile home, ~~or~~ trailer coach, OR MANUFACTURED HOME.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 2, A TENANCY OR OTHER ESTATE AT WILL OR LEASE IN A MANUFACTURED HOME COMMUNITY MAY ONLY BE TERMINATED ON THE BASIS OF ONE OR MORE OF THE REASONS SPECIFIED IN SECTION 38-12-203. UNDER NO CIRCUMSTANCES MAY A TENANCY OR OTHER ESTATE AT WILL OR LEASE IN A MANUFACTURED HOME COMMUNITY BE TERMINATED SOLELY BECAUSE OF THE COMPLETION OF A FIXED PERIOD. IF THE HOME OWNER CURES ANY OF THE REASONS FOR TERMINATION SPECIFIED IN SECTION 38-12-205, THE HOME OWNER'S TENANCY WILL BE REINSTATED.

SECTION 9. In Colorado Revised Statutes, **amend** 38-12-211 as follows:

38-12-211. Selling fees prohibited. The owner of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY or his OR HER agent shall not require payment of any type of selling fee or transfer fee by either a home owner in the ~~park~~ COMMUNITY wishing to sell his ~~mobile home~~ OR HER MANUFACTURED HOME to another party or by any party wishing to buy a ~~mobile home~~ MANUFACTURED HOME from a home owner in the ~~park~~ COMMUNITY as a condition of tenancy in a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY for the prospective buyer. This section shall in no way prevent the owner of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY or his OR HER agent from applying the ~~normal park~~ standards OF THE COMMUNITY AS SUCH STANDARDS MAY BE SPECIFIED IN THE LEASE OR RENTAL AGREEMENT to prospective buyers before granting or denying tenancy or from charging a reasonable selling fee or transfer fee for services actually performed and agreed to in writing by the home owner. Nothing in this section shall be construed to affect the rent charged. The owner of a ~~mobile~~ MANUFACTURED home shall have the right to place a "for sale" sign on or in his ~~mobile~~ OR HER MANUFACTURED home. The size, placement, and character of such signs shall be subject to reasonable rules and regulations of the ~~mobile home park~~ MANUFACTURED HOME COMMUNITY.

SECTION 10. In Colorado Revised Statutes, 38-12-213, **amend** (4) as follows:

38-12-213. Rental agreement - disclosure of terms in writing. (4) The terms of tenancy shall be specified in a written rental agreement subject to the following conditions:

(a) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, the standard rental agreement shall be for a ~~month-to-month tenancy~~ FIXED PERIOD OF NOT LESS THAN ONE YEAR IN DURATION.

(b) ~~Upon written request by the home owner to the landlord, the landlord shall allow a rental agreement for a fixed tenancy of not less than one year if the home owner is current on all rent payments and is not in violation of the terms of the then-current rental agreement; except that~~ An initial rental agreement for a fixed tenancy may be for ~~less~~ MORE than one year in order to ensure conformity with a standard anniversary date. ~~A landlord shall not evict or otherwise penalize a home owner for requesting a rental agreement for a fixed period.~~

(c) ~~A landlord may, in the landlord's discretion, allow a lease for a fixed period of longer than one year. In such circumstances, the requirements of paragraphs (a) and (b) of this subsection (4) shall not apply.~~

(d) A HOME OWNER WHO DESIRES TO OCCUPY HIS OR HER HOME LOT HOME FOR OTHER THAN A TERM OF ONE YEAR OR MORE HAS THE OPTION TO REQUEST THE TERMS OF THE RENTAL AGREEMENT BE ON A MONTH TO MONTH BASIS.

SECTION 11. In Colorado Revised Statutes, **amend** 38-12-214 as follows:

38-12-214. Rules and regulations. (1) The management shall adopt written rules and regulations concerning all home owners' use and occupancy of the premises. Such rules and regulations are enforceable against a home owner only if:

(a) Their purpose is to promote the convenience, safety, or welfare of the home owners, protect and preserve the premises from abusive use,

or make a fair distribution of services and facilities held out for the home owners generally;

(b) They are reasonably related to the purpose for which they are adopted;

(c) They are not retaliatory or discriminatory in nature;

(d) They are sufficiently explicit in prohibition, direction, or limitation of the home owner's conduct to fairly inform him of what he must or must not do to comply.

(e) RULES APPLY TO ON-SITE MANAGERS AND OTHER LIVE-IN AGENTS OF THE COMMUNITY OWNER.

SECTION 12. In Colorado Revised Statutes, **amend** 38-12-217 as follows:

38-12-217. Notice of sale of manufactured housing community - notice of change in use. (1) (a) ~~The mobile home park owner shall notify the owners of all mobile homes in the park and the municipality in which the park is situated or, if none, the county in which the park is situated of his or her intent to change the use of the land comprising the park or to sell the park pursuant to paragraph (b) or (c) of this subsection (1), as applicable.~~

(b) (I) ~~If the mobile home park owner intends to sell the park, the notification shall be made only once for any particular contract to sell or trade and shall be by written notice mailed to each mobile home owner at the address shown on the rental agreement with the mobile home park owner at least ten days prior to the first scheduled closing for the sale or trade~~ NO OWNER OR MANAGEMENT OF A MANUFACTURED HOME COMMUNITY MAY MAKE A FINAL UNCONDITIONAL ACCEPTANCE OF ANY OFFER FOR THE SALE OR TRANSFER OF A MANUFACTURED HOME

COMMUNITY WITHOUT FIRST GIVING NINETY DAYS' NOTICE THAT THE OWNER OR MANAGEMENT OF THE COMMUNITY INTENDS TO SELL THE COMMUNITY. THE NOTICE MUST BE DELIVERED BY CERTIFIED OR REGISTERED MAIL, RETURN RECEIPT REQUESTED, TO EACH OWNER OF RECORD OF A HOME WITHIN THE COMMUNITY AT THE ADDRESS OF THE HOME OWNER AS SPECIFIED IN THE LEASE OR RENTAL AGREEMENT, THE COLORADO HOUSING AND FINANCE AUTHORITY OR THE COLORADO DIVISION OF HOUSING, AND A LOCAL GOVERNMENTAL ORGANIZATION, SUCH AS THE HOUSING AUTHORITY SERVING THE AREA WHERE THE MANUFACTURED HOME COMMUNITY IS LOCATED. THE NOTICE MUST ALSO LIST THE PRICE, TERMS, AND CONDITIONS OF ANY ACCEPTABLE OFFER TO PURCHASE THE COMMUNITY THAT THE OWNER OR MANAGEMENT INTENDS TO ACCEPT, IN WHICH CASE A COPY OF THE OFFER SHALL BE INCLUDED, OR, IF THE OWNER OR MANAGEMENT HAS NOT YET RECEIVED AN ACCEPTABLE OFFER, THE PRICE, TERMS, AND CONDITIONS FOR WHICH THE OWNER OR MANAGEMENT INTENDS TO SELL THE COMMUNITY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SUBPARAGRAPH (I) DOES NOT PRECLUDE THE OWNER OR MANAGEMENT OF A MANUFACTURED HOME COMMUNITY FROM CONDITIONALLY ACCEPTING AN OFFER FOR THE SALE OR TRANSFER OF THE MANUFACTURED HOME COMMUNITY ON THE CONDITION THAT THE OWNER OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH (b).

(II) DURING THE NOTICE PERIOD REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE OWNER OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY SHALL CONSIDER ANY OFFER TO PURCHASE THE COMMUNITY THAT HAS BEEN MADE BY AN ASSOCIATION OF

SUCH HOME OWNERS FORMED UNDER SECTION 38-12-206, OR A COOPERATIVE FORMED BY SUCH HOME OWNERS UNDER SECTION 38-12-218, AS LONG AS THE ASSOCIATION OR COOPERATIVE IS OPEN TO ALL HOMEOWNERS. THE OWNER OF THE COMMUNITY SHALL CONSIDER ANY OFFER MADE BY AN ASSOCIATION OR COOPERATIVE REPRESENTING THE HOME OWNERS AND NEGOTIATE IN GOOD FAITH WITH THEM. IF AN AGREEMENT TO PURCHASE THE COMMUNITY IS REACHED DURING THE 60-DAY NOTICE PERIOD, THE ASSOCIATION OR COOPERATIVE HAS A REASONABLE TIME BEYOND THE 60-DAY PERIOD, IF NECESSARY, TO OBTAIN FINANCING FOR THE PURCHASE. A HOMEOWNER ASSOCIATION OR COOPERATIVE MAY ASSIGN ANY RIGHTS SUCH OWNERS POSSESS UNDER THIS SECTION TO THE MUNICIPALITY OR COUNTY, AS APPLICABLE, IN WHICH THE COMMUNITY IS LOCATED, A LOCAL HOUSING AUTHORITY, OR A LOCAL NONPROFIT ENTITY SPECIALIZING IN THE PROVISION OR PRESERVATION OF AFFORDABLE HOUSING.

(c) (I) If the ~~mobile home park~~ owner OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY intends to change the use of the land comprising the ~~mobile home park~~ COMMUNITY, the ~~mobile home park~~ owner OR MANAGEMENT OF THE COMMUNITY shall give written notice to each ~~mobile~~ home owner at least ~~one hundred eighty days~~ TWENTY-FOUR MONTHS before the change in use will occur. THE OWNER OR MANAGEMENT OF THE COMMUNITY SHALL DISCLOSE AND DESCRIBE IN THE NOTICE THE NATURE OF THE CHANGE OF THE USE OF THE LANDS AND THE REASONS FOR THE CHANGE. The ~~mobile home park~~ owner OR MANAGEMENT OF THE COMMUNITY shall mail the written notice, BY CERTIFIED OR REGISTERED MAIL, to each ~~mobile~~ home owner at the

address shown on the LEASE OR rental agreement with the ~~mobile home park~~ owner OR MANAGEMENT OF THE COMMUNITY.

(II) IN THE ALTERNATIVE TO GIVING WRITTEN NOTICE TO THE HOME OWNER OF TWENTY-FOUR MONTHS AS REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH (c), THE OWNER OR MANAGEMENT OF THE MANUFACTURED HOUSING COMMUNITY SHALL PAY TO ANY HOME OWNER, AT THE ELECTION OF THE HOME OWNER, EITHER THE HOME OWNER'S ACTUAL RELOCATION COSTS OR THE APPRAISED VALUE OF THE HOME. RELOCATION COSTS MUST INCLUDE THE COSTS OF DISCONNECTING AND MOVING THE HOME TO A NEW COMMUNITY SELECTED BY THE HOME OWNER WITHIN A ONE HUNDRED MILE RADIUS OF ITS EXISTING LOCATION, RECONNECTING THE HOME TO ALL UTILITY HOOK-UPS SO THAT THE HOME IS IN SUBSTANTIALLY THE SAME CONDITION AS BEFORE THE MOVE, WITH ANY REQUIRED AND COMPARABLE APPURTENANCES, AND THE REASONABLE COSTS OF SUITABLE LODGING UNTIL THE MOVE AND INSTALLATION ARE COMPLETED. THE APPRAISED VALUE OF THE MANUFACTURED HOME IS THE FAIR MARKET VALUE OF THE HOME ON SITE AS REPORTED ON THE MOST RECENT PROPERTY TAX ASSESSMENT ROLLS AND ANY EXISTING APPURTENANCES BUT EXCLUDING THE VALUE OF THE UNDERLYING REAL PROPERTY, AS DETERMINED BY AN INDEPENDENT APPRAISER JOINTLY SELECTED BY THE OWNER OR MANAGEMENT OF THE COMMUNITY AND THE HOME OWNER. THE APPRISED VALUE SHALL BE CALCULATED AS OF THE DATE PRIOR TO PUBLIC ANNOUNCEMENT OF THE SALE OR CLOSURE OF THE MANUFACTURED HOUSING COMMUNITY. PAYMENT OF THE APPRAISED VALUE OR THE ESTIMATED RELOCATION COSTS, AS APPLICABLE, MUST BE MADE TO THE HOME OWNER NO LATER THAN THE DATE OF THE HOME OWNER'S DEPARTURE FROM THE

COMMUNITY WITH ADJUSTMENTS MADE FOR THE TOTAL ACTUAL RELOCATION COSTS. ARRANGEMENTS MUST BE MADE BY THE OWNER OR MANAGEMENT OF THE COMMUNITY FOR PAYMENT OF RELOCATION COSTS DIRECTLY TO THIRD-PARTY VENDORS AS APPLICABLE. RELOCATION COSTS UPON THE COMPLETION OF RELOCATION. NOTWITHSTANDING ANY OTHER PROVISION OF THIS PARAGRAPH (c), WHERE THE HOME OWNER IS BEING COMPENSATED FOR EITHER THE HOME OWNER'S ACTUAL RELOCATION COSTS OR THE APPRAISED VALUE OF THE HOME IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBPARAGRAPH (II), THE OWNER OR MANAGEMENT OF THE COMMUNITY NEED ONLY PROVIDE TO THE HOME OWNER ONE HUNDRED EIGHTY DAYS WRITTEN NOTICE OF THE CHANGE IN THE USE OF THE LAND.

(2) The provisions of paragraph (b) of subsection (1) of this section shall not apply to the sale of a ~~mobile home park~~ MANUFACTURED HOME COMMUNITY when such sale occurs between members of an immediate family, related business entities, members and managers of a limited liability company, shareholders, officers, and directors in a corporation, trustees and beneficiaries of a trust, or partners and limited liability partners in a partnership or limited liability partnership; except that such purchasers shall not change the use of the land comprising the ~~mobile home park~~ MANUFACTURED HOME COMMUNITY without complying with the notice provisions of this section. For purposes of this section, "immediate family" means persons related by blood or adoption.

(3) IN ORDER TO ASSIST ASSOCIATIONS OR COOPERATIVES OF OWNERS OF HOMES WITHIN MANUFACTURED HOUSING COMMUNITIES WITH EFFORTS TO PURCHASE THEIR COMMUNITIES, THE COLORADO HOUSING AND FINANCE AUTHORITY CREATED IN SECTION 29-4-704, C.R.S., THE

DIVISION OF HOUSING WITHIN THE DEPARTMENT OF LOCAL AFFAIRS CREATED IN SECTION 24-32-704 (1), C.R.S., COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS, LOCAL HOUSING AUTHORITIES, OR COMMUNITY-BASED ORGANIZATIONS SHALL PROVIDE TECHNICAL ASSISTANCE TO THE ASSOCIATIONS OR COOPERATIVES OR TO THE OWNERS OF HOMES WITHIN SUCH COMMUNITIES WHO ARE SEEKING TO FORM AN ASSOCIATION OR A COOPERATIVE. THE TECHNICAL ASSISTANCE MAY BE PROVIDED DIRECTLY OR THROUGH CONTRACTED SERVICES. SUCH ASSISTANCE MAY INCLUDE, WITHOUT LIMITATION, THE PROVISION OF LOAN OR GRANT MONEYS DIRECTED TO FINANCING SUCH ACQUISITIONS AND RELATED COSTS.

(4) ANY DEADLINE SPECIFIED IN THIS SECTION MAY BE EXTENDED UPON MUTUAL CONSENT OF THE PARTIES TO THE TRANSACTION.

SECTION 13. In Colorado Revised Statutes, **amend** 38-12-219 as follows:

38-12-219. Home owners' and landlords' rights - treatment of manufactured home as real property. (1) Every home owner and ~~landlord~~ OWNER OR MANAGEMENT OF THE MANUFACTURED HOME COMMUNITY shall have the right to the following:

(a) Protection from abuse or disregard of state or local law by the ~~landlord~~ OWNER OR MANAGEMENT and home owners;

(b) Peaceful enjoyment of the home owner's ~~mobile home~~ space, free from unreasonable, arbitrary, or capricious rules and enforcement thereof; and

(c) Tenancy free from harassment or frivolous lawsuits by the ~~landlord~~ OWNER OR MANAGEMENT and homeowners.

(2) A MANUFACTURED HOME IS TREATED AS REAL PROPERTY WHERE THE OWNER OF THE HOME HAS ELECTED TO TREAT THE HOME AS REAL PROPERTY IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF SECTIONS 38-29-118 (2) AND 38-29-202 REGARDLESS OF WHETHER THE REAL PROPERTY UNDERLYING THE HOME IS OWNED BY THE HOME OWNER IN FEE SIMPLE OR IS SUBJECT TO A LAND LEASE.

SECTION 14. Act subject to petition - effective date. This act takes effect January 1, 2015; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.