

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

DRAFT  
10.11.13

**BILL 9**

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LLS NO. 14-0160.01 Bob Lackner x4350

**INTERIM COMMITTEE BILL**

**Economic Opportunity Poverty Reduction Task Force**

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**SHORT TITLE: "Manufactured Home Communities"**

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**A BILL FOR AN ACT**

101 **CONCERNING MANUFACTURED HOME COMMUNITIES, AND, IN**  
102 **CONNECTION THEREWITH, PRESERVING MANUFACTURED HOME**  
103 **COMMUNITIES AND MITIGATING THE IMPACTS OF RELOCATION**  
104 **RESULTING FROM THE REDEVELOPMENT OF SUCH**  
105 **COMMUNITIES.**

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**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.

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

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

4 **38-12-200.1. Short title.** This part 2 shall be known and may be  
5 cited as the "~~Mobile Home Park Act~~" "MANUFACTURED HOME  
6 COMMUNITIES ACT".

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

9 **38-12-201.3. Legislative declaration - increased availability of**  
10 **manufactured home communities.** (1) The general assembly hereby  
11 finds and declares that mobile homes, manufactured ~~housing~~ HOMES, and  
12 factory-built housing are important and effective ways to meet Colorado's  
13 affordable housing needs. The general assembly further finds and declares  
14 that, because of the unique aspects of ~~mobile homes and mobile home~~  
15 ~~park ownership~~ MANUFACTURED HOMES AND THE OWNERSHIP OF  
16 MANUFACTURED HOME COMMUNITIES, there is a need to protect ~~mobile~~  
17 ~~home~~ owners OF MANUFACTURED HOMES from eviction with short notice  
18 so as to prevent ~~mobile home~~ SUCH owners from losing their shelter as  
19 well as any equity in their ~~mobile~~ homes. The general assembly  
20 encourages local governments to allow and protect ~~mobile home parks~~  
21 MANUFACTURED HOME COMMUNITIES in their jurisdictions and to enact  
22 plans to increase the number of ~~mobile home parks~~ SUCH COMMUNITIES  
23 in their jurisdictions. The general assembly further encourages local

1 governments to provide incentives to ~~mobile home park~~ THE OWNERS OF  
2 MANUFACTURED HOME COMMUNITIES TO ATTRACT ADDITIONAL ~~mobile home~~  
3 ~~parks~~ MANUFACTURED HOME COMMUNITIES AND TO INCREASE THE VIABILITY  
4 OF CURRENT ~~parks~~ COMMUNITIES.

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

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

18 **SECTION 3.** In Colorado Revised Statutes, 38-12-201.5, **add**  
19 (1.6) and (1.7) as follows:

20 **38-12-201.5. Definitions.** As used in this part 2, unless the  
21 context otherwise requires:

22 (1.6) "MANUFACTURED HOME" MEANS ANY PRECONSTRUCTED  
23 BUILDING UNIT OR COMBINATION OF PRECONSTRUCTED BUILDING UNITS,  
24 WITHOUT MOTIVE POWER, WHERE SUCH UNIT OR UNITS ARE  
25 MANUFACTURED IN A FACTORY OR AT A LOCATION OTHER THAN THE  
26 RESIDENTIAL SITE OF THE COMPLETED HOME, WHICH IS DESIGNED AND  
27 COMMONLY USED FOR OCCUPANCY BY PERSONS FOR RESIDENTIAL

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

3 (1.7) "MANUFACTURED HOME COMMUNITY" MEANS ANY  
4 INDIVIDUAL SITE, AREA, TRACT, OR PARCEL OF LAND UPON WHICH TWO OR  
5 MORE MANUFACTURED HOMES USED OR OCCUPIED FOR DWELLING  
6 PURPOSES ARE LOCATED, AND SHALL INCLUDE ANY ROADWAY, BUILDING,  
7 STRUCTURE, INSTALLATION, ENCLOSURE, FIXTURES, EQUIPMENT, OR  
8 VEHICLE USED OR INTENDED FOR USE AS A PART OF THE FACILITIES OF THE  
9 COMMUNITY. ANY MOBILE HOME PARK THAT MEETS THE DEFINITION OF A  
10 MANUFACTURED HOME COMMUNITY IS SYNONYMOUS WITH A  
11 MANUFACTURED HOME COMMUNITY AND IS HEREAFTER RENAMED IN THIS  
12 PART 2 AS A MANUFACTURED HOME COMMUNITY.

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

15 **38-12-202. Tenancy - notice to quit.** (1)(b) Service of the notice  
16 to quit shall be ~~as specified in section 13-40-108, C.R.S. Service by~~  
17 ~~posting shall be deemed legally sufficient within the meaning of section~~  
18 ~~13-40-108, C.R.S., if the notice is affixed to the main entrance of the~~  
19 ~~mobile home~~ PERSONALLY SERVED UPON THE HOME OWNER. IF PERSONAL  
20 SERVICE ON THE HOMEOWNER HAS BEEN ATTEMPTED WITHOUT SUCCESS,  
21 SERVICE OF THE NOTICE TO QUIT MUST BE AFFIXED TO THE MAIN  
22 ENTRANCE OF THE HOME IN A CONSPICUOUS PLACE AND ALSO MAILED BY  
23 MEANS OF UNITED STATES MAIL TO THE ADDRESS OF THE HOME AS  
24 SPECIFIED IN THE LEASE OR RENTAL AGREEMENT.

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

1           **38-12-202.5. Action for termination.** (2) (a) ~~Service of~~  
2 ~~summons shall be as specified in section 13-40-112, C.R.S. Service by~~  
3 ~~posting shall be deemed legally sufficient within the meaning of section~~  
4 ~~13-40-112, C.R.S., if the summons is affixed to the main entrance of the~~  
5 ~~mobile home.~~ SERVICE OF SUMMONS SHALL BE EITHER:

6           (I) PERSONALLY SERVED UPON THE HOME OWNER; OR

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

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

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

19           **38-12-204. Nonpayment of rent - notice required for rent**  
20 **increase.** (2) ~~Rent shall not be increased without sixty days' written~~  
21 ~~notice to the home owner~~ SUBJECT TO THE PROVISIONS OF SUBSECTION (3)  
22 OF THIS SECTION, THE OWNER OR MANAGEMENT OF THE MANUFACTURED  
23 HOME COMMUNITY MAY INCREASE THE RENT NOT MORE THAN ONCE EACH  
24 YEAR COMMENCING ON THE ANNIVERSARY OF THE DATE THE HOME OWNER  
25 EXECUTED THE LEASE OR RENTAL AGREEMENT AND ONLY WHERE THE  
26 OWNER OR MANAGEMENT OF THE COMMUNITY GIVES THE HOMEOWNER  
27 NINETY DAYS' NOTICE IN WRITING OF THE PROPOSED RENT INCREASE. In

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

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

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

17 **38-12-204.3. Notice required for termination.** (2) The notice  
18 required under this section shall be in at least ~~ten-point~~ TWELVE-POINT  
19 type and shall read as follows:

20 **IMPORTANT NOTICE TO THE HOME OWNER:**

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

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

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

8 ● The grounds for the termination of the tenancy;  
9 ● Whether or not the home owner has a right to cure under the  
10 ~~"Mobile Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES  
11 ACT"; and

12 ● That the home owner has a right to mediation pursuant to  
13 section 38-12-216, Colorado Revised Statutes, of the ~~"Mobile~~  
14 ~~Home Park Act"~~ "MANUFACTURED HOME COMMUNITIES ACT".

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

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

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

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

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

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

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

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

14 **38-12-205. Termination prohibited.** (1) A tenancy or other  
15 estate at will or lease in a ~~mobile home park~~ MANUFACTURED HOME  
16 COMMUNITY may not be terminated solely for the purpose of making the  
17 home owner's space in the ~~park~~ COMMUNITY available for another mobile  
18 home, ~~or trailer coach~~, OR MANUFACTURED HOME.

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

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

3           **38-12-211. Selling fees prohibited.** The owner of a ~~mobile home~~  
4 ~~park~~ MANUFACTURED HOME COMMUNITY or his OR HER agent shall not  
5 require payment of any type of selling fee or transfer fee by either a home  
6 owner in the ~~park~~ COMMUNITY wishing to sell his ~~mobile home~~ OR HER  
7 MANUFACTURED HOME to another party or by any party wishing to buy a  
8 ~~mobile home~~ MANUFACTURED HOME from a home owner in the ~~park~~  
9 COMMUNITY as a condition of tenancy in a ~~mobile home park~~  
10 MANUFACTURED HOME COMMUNITY for the prospective buyer. This  
11 section shall in no way prevent the owner of a ~~mobile home park~~  
12 MANUFACTURED HOME COMMUNITY or his OR HER agent from applying  
13 the ~~normal park~~ standards OF THE COMMUNITY AS SUCH STANDARDS MAY  
14 BE SPECIFIED IN THE LEASE OR RENTAL AGREEMENT to prospective buyers  
15 before granting or denying tenancy or from charging a reasonable selling  
16 fee or transfer fee for services actually performed and agreed to in writing  
17 by the home owner. Nothing in this section shall be construed to affect  
18 the rent charged. The owner of a ~~mobile~~ MANUFACTURED home shall have  
19 the right to place a "for sale" sign on or in his ~~mobile~~ OR HER  
20 MANUFACTURED home. The size, placement, and character of such signs  
21 shall be subject to reasonable rules and regulations of the ~~mobile home~~  
22 ~~park~~ MANUFACTURED HOME COMMUNITY.

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

25           **38-12-213. Rental agreement - disclosure of terms in writing.**  
26 (4) The terms of tenancy shall be specified in a written rental agreement  
27 subject to the following conditions:

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

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

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

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

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

22 **38-12-214. Rules and regulations.** (1) The management shall  
23 adopt written rules and regulations concerning all home owners' use and  
24 occupancy of the premises. Such rules and regulations are enforceable  
25 against a home owner only if:

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

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

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

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

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

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

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

13 **38-12-217. Notice of sale of manufactured housing community**  
14 **- notice of change in use.** (1) (a) ~~The mobile home park owner shall~~  
15 ~~notify the owners of all mobile homes in the park and the municipality in~~  
16 ~~which the park is situated or, if none, the county in which the park is~~  
17 ~~situated of his or her intent to change the use of the land comprising the~~  
18 ~~park or to sell the park pursuant to paragraph (b) or (c) of this subsection~~  
19 ~~(1), as applicable.~~

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

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

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

1 SUCH HOME OWNERS FORMED UNDER SECTION 38-12-206, OR A  
2 COOPERATIVE FORMED BY SUCH HOME OWNERS UNDER SECTION  
3 38-12-218, AS LONG AS THE ASSOCIATION OR COOPERATIVE IS OPEN TO  
4 ALL HOMEOWNERS. THE OWNER OF THE COMMUNITY SHALL CONSIDER ANY  
5 OFFER MADE BY AN ASSOCIATION OR COOPERATIVE REPRESENTING THE  
6 HOME OWNERS AND NEGOTIATE IN GOOD FAITH WITH THEM. IF AN  
7 AGREEMENT TO PURCHASE THE COMMUNITY IS REACHED DURING THE  
8 60-DAY NOTICE PERIOD, THE ASSOCIATION OR COOPERATIVE HAS A  
9 REASONABLE TIME BEYOND THE 60-DAY PERIOD, IF NECESSARY, TO  
10 OBTAIN FINANCING FOR THE PURCHASE. A HOMEOWNER ASSOCIATION OR  
11 COOPERATIVE MAY ASSIGN ANY RIGHTS SUCH OWNERS POSSESS UNDER  
12 THIS SECTION TO THE MUNICIPALITY OR COUNTY, AS APPLICABLE, IN  
13 WHICH THE COMMUNITY IS LOCATED, A LOCAL HOUSING AUTHORITY, OR  
14 A LOCAL NONPROFIT ENTITY SPECIALIZING IN THE PROVISION OR  
15 PRESERVATION OF AFFORDABLE HOUSING.

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

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

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

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

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

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

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

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

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

16 **38-12-219. Home owners' and landlords' rights - treatment of**  
17 **manufactured home as real property.** (1) Every home owner and  
18 ~~landlord~~ OWNER OR MANAGEMENT OF THE MANUFACTURED HOME  
19 COMMUNITY shall have the right to the following:

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

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

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

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

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