

YES! HB 19-1309 MOBILE HOME PARK ACT OVERSIGHT

Rep. Edie Hooton, Rep. Julie McCluskie, Sen. Stephen Fenberg, Sen. Pete Lee

Colorado's Mobile Home Park Act History

The Mobile Home Park Act (MHPA) was passed in 1985 to regulate responsibilities and rights between mobile home park landlords and mobile home owners. It is a completely different set of laws from those that govern tenant-landlord relationships. Between 2014 and 2017, the Colorado Legislature introduced legislation to update the MHPA and address the crisis of increasing park owner violations of the Act. However, each year park owners and their powerful lobby defeated these bills.

Why Does it Matter?

Approximately 100,000 Coloradans live in mobile homes in approximately 878 mobile home parks. Many mobile homeowners and tenants are impacted when park owners take improper and illegal actions against homeowners. Though many park owners comply with the law, 9to5 has received hundreds of complaints of park owners that do not. Channel 7, the Denver Post, and recently John Oliver, have reported cases of bad acting park owners such as: overcharging of water and other utilities (in one case over \$900), creating new fees not included in leases and arbitrarily applying them, entering homes illegally, enacting rules that violate the MHPA and creating unwritten rules, then evicted homeowners for violating such rules. These violations are widespread and occur statewide. As DORA reports in their 2018 Sunrise Review of Manufactured Home Owners and Operators, "Clearly, harm is occurring in manufactured housing communities... The harm largely stems from the **lack of enforcement of existing laws, bad actors exploiting a relatively loose regulatory structure**, and the inevitable tension that arises when the house belongs to one person but the land beneath it belongs to someone else."

Current law is nearly impossible to enforce

Currently there is no state agency with authority to enforce the MHPA. When park owners or homeowners violate the Act, a private attorney must be hired, which is financially out of reach for many.

HB 19-1309 provides solutions:

Enforcement of the Mobile Home Park Act HB 19-1309 creates a Mobile Home Park Act Dispute Resolution and Enforcement Program at the Division of Housing in DOLA to investigate, mediate, and, if necessary, enforce against violations of existing law. The program is modeled after a successful program in Washington and would be funded by a \$24 per lot/per year fee (with up to 50% paid by the homeowner).

Local control for counties Many parks operate in unincorporated portions of counties. HB 19-1309 offers permissive authority for counties to enact ordinances specific to their communities that "protect homeowners' equity in the safe use and enjoyment of mobile homes and mobile home lots". Home rule cities currently already have broader authority to enact any ordinance related to mobile home parks and several have utilized this authority to address widespread issues affecting parks.

Property owner protections This bill extends the time to cure lot rent from 5 days to 10 and provides appropriate time to move or sell a home in the case of an eviction from a park. Currently Colorado allows just 48 hours post-eviction judgment, this bill extends that time to 30 days to allow adequate time to move or sell a home. It also provides an additional 30 days, totalling up to 60 days from the eviction judgement, if the homeowner is willing to ensure payment for lot rent.

“A lot of people are afraid to advocate for help or file a complaint because they are afraid of retaliation. We live in a senior community where most of the residents are on fixed incomes. When we bring concerns forward, management says they will file it, but we don’t see a response from the owners.” ~Debbie Beasley, Holiday Village MHP, Colorado Springs

“Before June, I was paying about \$47 for sewage and water. Then all of a sudden, prices went up over \$500 and my July bill was at \$523 and \$612 for sewage. The numbers seem to go all the way up and then all the way down without me really changing how much I use for utilities. Ever since the new owners moved in, they started charging us separately for utilities even though our original leases say that everything is included. I would have to be using 75,000 gallons a month to pay these amounts...” ~ Rosa Flores, Pioneer Village, Unincorporated Adams County, CO

ENDORSEMENTS

9to5 Colorado
Colorado Center on Law and Policy (CCLP)
Colorado Counties, Inc. (CCI)
Adams County
Boulder County
Broomfield City/County Councilmembers
Pitkin County
Summit County
City of Aurora
City of Boulder
City of Lafayette
City of Longmont
Denver Regional Council of Governments (DRCOG)
Colorado Coalition of Manufactured Home Owners
Coalition of Manufactured Home Owners of Boulder (C-MOB)
Center for Health Progress
Colorado Association of Local Public Health Officials
Colorado Homes For All
Colorado Coalition for the Homeless (CCH)
Colorado Municipal League (CML)
Colorado Public Health Association
Interfaith Alliance of Colorado
League of Women Voters
Livewell Colorado
Our Home Our Right
Prosperity Now
Together Colorado
United for a New Economy
Vista Village Homeowners Association
Larimer County Commissioner, John Kefalas

