

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

**ENGROSSED**

*This Version Includes All Amendments Adopted  
on Second Reading in the House of Introduction*

LLS NO. 10-0751.01 Troy Bratton

**SENATE BILL 10-156**

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**SENATE SPONSORSHIP**

**Heath,**

**HOUSE SPONSORSHIP**

**Hullinghorst,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING INCREASED PROTECTIONS FOR MOBILE HOME OWNERS**  
102 **WHO LEASE SPACE IN MOBILE HOME PARKS.**

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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>.)*

**Section 1** adds language to the legislative declaration of the "Mobile Home Park Act". The new language illustrates the need to protect mobile home owners from eviction so the owners do not lose their homes and any equity derived from their homes.

**Section 2** adds manufactured homes to the definition of mobile

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
April 12, 2010

homes.

**Section 3** increases the notice period for eviction unless there is a substantial violation necessitating an immediate eviction. Section 3 also requires a landlord to compensate a home owner for the value of the home if the tenancy is terminated due to a change in use.

**Section 4** increases the notice period for a landlord to notify home owners of intent to change use and makes conforming amendments to statutory citations.

**Section 5** requires any notice of termination to include a statement advising the tenant of the tenant's right to mediation. Section 5 also gives the tenant up to 30 days to move a mobile home following a court order, provided that the tenant pays rent on a daily basis beginning with the eighth day following the order.

**Section 6** specifies that mobile home owners have the right to peaceably assemble in the streets and common areas of the mobile home park pursuant to the first amendment to the United States constitution. Mobile home park owners may implement reasonable time, place, and manner restrictions on the home owners' right to assemble.

**Section 7** specifies that it is the landlord's duty to ensure that mobile home owners receive water and sewer service. A home owner may withhold 2 days' rent for each day that water or sewer service is not available to the home owner. Unforeseen emergencies and scheduled repairs are exempted from the penalty provisions.

**Section 8** requires a landlord to notify the municipality as well as the home owners of any intent to change the use of the mobile home park and increases the notice period.

**Section 9** makes the home owner's recovery of reasonable attorney fees in a successful private civil action mandatory rather than permissive.

**Section 10** requires a landlord to grant county or municipal employees access to the park for the purposes of investigating and studying the utility infrastructure.

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

2           **SECTION 1.** 38-12-201.3, Colorado Revised Statutes, is  
3 amended to read:

4           **38-12-201.3. Legislative declaration - increased availability of**  
5 **mobile home parks.** The general assembly hereby finds and declares  
6 that mobile homes, manufactured housing, and factory-built housing are  
7 important and effective ways to meet Colorado's affordable housing

1 needs. THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT,  
2 BECAUSE OF THE UNIQUE ASPECTS OF MOBILE HOMES AND MOBILE HOME  
3 PARK OWNERSHIP, THERE IS A NEED TO PROTECT MOBILE HOME OWNERS  
4 FROM EVICTION WITH SHORT NOTICE SO AS TO PREVENT MOBILE HOME  
5 OWNERS FROM LOSING THEIR SHELTER AS WELL AS ANY EQUITY IN THEIR  
6 MOBILE HOMES. The general assembly encourages local governments to  
7 allow and protect mobile home parks in their jurisdictions and to enact  
8 plans to increase the number of mobile home parks in their jurisdictions.  
9 The general assembly further encourages local governments to provide  
10 incentives to mobile home park owners to attract additional mobile home  
11 parks and to increase the viability of current parks.

12 **SECTION 2.** 38-12-201.5 (2), Colorado Revised Statutes, is  
13 amended to read:

14 **38-12-201.5. Definitions.** As used in this part 2, unless the  
15 context otherwise requires:

16 (2) "Mobile home" means a single-family dwelling built on a  
17 permanent chassis designed for long-term residential occupancy and  
18 containing complete electrical, plumbing, and sanitary facilities and  
19 designed to be installed in a permanent or semipermanent manner with or  
20 without a permanent foundation, which is capable of being drawn over  
21 public highways as a unit, or in sections by special permit, OR A  
22 MANUFACTURED HOME AS DEFINED IN SECTION 38-29-102 (6) IF THE  
23 MANUFACTURED HOME IS SITUATED IN A MOBILE HOME PARK.

24 **SECTION 3.** 38-12-202, Colorado Revised Statutes, is amended  
25 to read:

26 **38-12-202. Tenancy - notice to quit.** (1) (a) No tenancy or other  
27 lease or rental occupancy of space in a mobile home park shall commence

1 without a written lease or rental agreement, and no tenancy in a mobile  
2 home park shall be terminated until a notice to quit has been served. Said  
3 notice to quit shall be in writing and in the form specified in section  
4 13-40-107 (2), C.R.S. The property description required in section  
5 13-40-107 (2), C.R.S., shall be deemed legally sufficient if it states:

- 6 (I) The name of the landlord or the mobile home park;
- 7 (II) The mailing address of the property;
- 8 (III) The location or space number upon which the mobile home  
9 is situate; and
- 10 (IV) The county in which the mobile home is situate.

11 (b) Service of the notice to quit shall be as specified in section  
12 13-40-108, C.R.S. Service by posting shall be deemed legally sufficient  
13 within the meaning of section 13-40-108, C.R.S., if the notice is affixed  
14 to the main entrance of the mobile home.

15 (c) (I) Except as otherwise provided in subparagraph (II) of this  
16 paragraph (c), the home owner shall be given a period of not less than  
17 ~~thirty~~ SIXTY days ~~to be extended to not less than sixty days where the~~  
18 ~~home owner must remove a multisection mobile home,~~ to remove any  
19 mobile home from the premises from the date the notice is served or  
20 posted. In those situations where a multisection mobile home is being  
21 leased to, or occupied by, persons other than its owner and in a manner  
22 contrary to the rules and regulations of the landlord, then in that event, the  
23 tenancy may be terminated by the landlord upon giving a thirty-day notice  
24 rather than said sixty-day notice.

25 (II) If the tenancy is terminated on grounds specified in section  
26 38-12-203 (1) (f), the home owner shall be given a period of not less than  
27 ten days to be extended to not less than fifteen days where the home

1 ~~owner must remove a multisection mobile home, to remove any mobile~~  
2 home from the premises from the date the notice is served or posted.

3 (d) (2) No lease shall contain any provision by which the home  
4 owner waives his OR HER rights under this part 2, and any such waiver  
5 shall be deemed contrary to public policy and shall be unenforceable and  
6 void. ~~However, any lease may provide that the tenancy may be~~  
7 ~~terminated on the landlord's notice in writing to the home owner, in such~~  
8 ~~prescribed manner, to remove the home owner's unit from the premises~~  
9 ~~within a period of not less than thirty days, to be extended to not less~~  
10 ~~than sixty days where the home owner must remove a multisection~~  
11 ~~mobile home from the date the notice is served or posted. In those~~  
12 ~~situations where a~~ multisection mobile home is being leased to, or  
13 occupied by, persons other than its owner and in a manner contrary to the  
14 rules and regulations of the landlord, then, in that event, the tenancy may  
15 be terminated by the landlord upon giving a thirty-day notice rather than  
16 said sixty-day notice.

17 (e) (3) The landlord or management of a mobile home park shall  
18 specify, in the notice required by this section, the reason for the  
19 termination, AS DESCRIBED IN SECTION 38-12-203, of any tenancy in such  
20 mobile home park. If the tenancy is being terminated based on the  
21 mobile home or mobile home lot being out of compliance with the rules  
22 and regulations adopted pursuant to section 38-12-203 (1) (c), the notice  
23 required by this section shall include a statement advising the home  
24 owner that the home owner has a right to cure the noncompliance within  
25 thirty days of the date of service or posting of the notice to quit. The  
26 thirty-day period to cure any noncompliance set forth in this subsection  
27 (e) SUBSECTION (3) shall run concurrently with the ~~thirty-day~~ SIXTY-DAY

1 period to remove a mobile home from the premises as set forth in  
2 ~~paragraphs (c) and (d)~~ PARAGRAPH (c) of subsection (1) AND SUBSECTION  
3 (2) of this section. Acceptance of rent by the landlord or management  
4 of a mobile home park during the thirty-day right to cure period set forth  
5 in section 38-12-203 (1) (c) shall not constitute a waiver of the landlord's  
6 right to terminate the tenancy for any noncompliance set forth in section  
7 38-12-203 (1) (c).

8 ~~(3) Repealed.~~

9

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10 **SECTION 4.** 38-12-203 (1) (c) and (1) (d), Colorado Revised  
11 Statutes, are amended to read:

12 **38-12-203. Reasons for termination.** (1) A tenancy shall be  
13 terminated pursuant to this part 2 only for one or more of the following  
14 reasons:

15 (c) Failure of the home owner to comply with written rules and  
16 regulations of the mobile home park either established by the  
17 management in the rental agreement at the inception of the tenancy,  
18 amended subsequently thereto with the consent of the home owner, or  
19 amended subsequently thereto without the consent of the home owner on  
20 sixty days' written notice if the amended rules and regulations are  
21 reasonable; except that the home owner shall have thirty days from the  
22 date of service or posting of the notice to quit set forth in ~~section~~  
23 ~~38-12-202 (2)~~ SECTION 38-12-202 (3) to cure any noncompliance on the  
24 mobile home or mobile home lot before an action for termination may  
25 be commenced, except if local ordinances, state laws and regulations,  
26 park rules and regulations, or emergency, health, or safety situations  
27 require immediate compliance. If a home owner was in violation or

1 noncompliance pursuant to this paragraph (c) and was given notice and  
2 a right to cure such noncompliance and within a twelve-month period  
3 from the date of service of the notice is in noncompliance of the same  
4 rule or regulation and is given notice of the second noncompliance, there  
5 shall be no right to cure the second noncompliance. Regulations  
6 applicable to recreational facilities may be amended at the REASONABLE  
7 discretion of the management. For purposes of this paragraph (c), when  
8 the mobile home is owned by a person other than the owner of the  
9 mobile home park, the mobile home is a separate unit of ownership, and  
10 regulations ~~which~~ THAT are adopted subsequent to the unit location in the  
11 park without the consent of the home owner and ~~which~~ THAT place  
12 restrictions or requirements on that separate unit are prima facie  
13 unreasonable. Nothing in this paragraph (c) shall prohibit a mobile  
14 home park owner from requiring compliance with current park unit  
15 regulations at the time of sale or transfer of the mobile home to a new  
16 owner. Transfer under this paragraph (c) shall not include transfer to a  
17 co-owner pursuant to death or divorce or to a new co-owner pursuant to  
18 marriage.

19 (d) (I) Condemnation or change of use of the mobile home park.  
20 When the owner of a mobile home park is formally notified by A NOTICE  
21 OF INTENT TO ACQUIRE PURSUANT TO SECTION 38-1-121 (1) OR OTHER  
22 SIMILAR PROVISION OF LAW, OR A COMPLAINT IN A CONDEMNATION  
23 ACTION FROM an appropriate governmental agency that ~~his~~ THE mobile  
24 home park, OR ANY PORTION THEREOF, is TO BE ACQUIRED BY THE  
25 GOVERNMENTAL AGENCY OR MAY BE the subject of a condemnation  
26 proceeding, the landlord shall, within seventeen days, notify ~~his~~ THE  
27 home owners in writing of the terms of the ~~condemnation~~ notice ~~which~~

1 ~~he receives~~ OF INTENT TO ACQUIRE OR COMPLAINT RECEIVED BY THE  
2 LANDLORD.

3 (II) In those cases where the ~~zoning law allows the~~ landlord  
4 DESIRES to change the use of ~~his land without obtaining the consent of~~  
5 ~~the zoning authority~~ THE MOBILE HOME PARK and where such change of  
6 use would result in eviction of inhabited mobile homes, the landlord  
7 shall first give the owner of each mobile home subject to such eviction  
8 a written notice of ~~his~~ THE LANDLORD'S intent to evict not less than six  
9 months prior to such change of use of the land, notice to be mailed to  
10 each home owner.

11 **SECTION 5.** 38-12-204.3 (2), Colorado Revised Statutes, is  
12 amended to read:

13 **38-12-204.3. Notice required for termination.** (2) The notice  
14 required under this section shall be in at least ten-point type and shall  
15 read as follows:

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

17 This notice and the accompanying notice to quit/notice of  
18 nonpayment of rent are the first steps in the eviction process. Any  
19 dispute you may have regarding the grounds for eviction should be  
20 addressed with your landlord or the management of the mobile home  
21 park or in the courts if an eviction action is filed. Please be advised that  
22 the "Mobile Home Park Act", part 2 of article 12 of title 38, Colorado  
23 Revised Statutes, may provide you with legal protection:

24 NOTICE TO QUIT: The landlord or management of a mobile  
25 home park must serve to a home owner a notice to quit in order to  
26 terminate a home owner's tenancy. The notice must be in writing and  
27 must contain certain information, including:

1           !       The grounds for the termination of the tenancy; and  
2           !       Whether or not the home owner has a right to cure under  
3                   the "Mobile Home Park Act"; AND  
4           !       THAT THE HOME OWNER HAS A RIGHT TO MEDIATION  
5                   PURSUANT TO SECTION 38-12-216, COLORADO REVISED  
6                   STATUTES, OF THE "MOBILE HOME PARK ACT".

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

15          CURE PERIODS: If the home owner has a right to cure under  
16          the "Mobile Home Park Act", the landlord or management of a mobile  
17          home park cannot terminate a home owner's tenancy without first  
18          providing the home owner with a time period to cure the noncompliance.  
19          "Cure" refers to a home owner remedying, fixing, or otherwise  
20          correcting the situation or problem that caused the tenancy to be  
21          terminated pursuant to sections 38-12-202, 38-12-203, or 38-12-204,  
22          Colorado Revised Statutes.

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

- 1           !       The landlord or management complied with the notice  
2                    requirements of the "Mobile Home Park Act";  
3           !       The landlord or management provided the home owner  
4                    with a statement of reasons for termination of the tenancy;  
5                    and  
6           !       The reasons for termination of the tenancy are true and  
7                    valid under the "Mobile Home Park Act".

8           A home owner must appear in court to defend against an eviction  
9           action. If the court rules in favor of the landlord or management of the  
10          mobile home park, the home owner will have not less than 48 hours from  
11          the time of the ruling to remove the mobile home and to vacate the  
12          premises. IF A TENANCY IS BEING TERMINATED PURSUANT TO SECTION  
13          38-12-203 (1) (f), COLORADO REVISED STATUTES, THE HOME OWNER  
14          SHALL HAVE NOT LESS THAN 48 HOURS FROM THE TIME OF THE RULING TO  
15          REMOVE THE HOME AND VACATE THE PREMISES. IN ALL OTHER  
16          CIRCUMSTANCES, IF THE HOME OWNER WISHES TO EXTEND SUCH PERIOD  
17          BEYOND 48 HOURS BUT NOT MORE THAN THIRTY DAYS FROM THE DATE OF  
18          THE RULING, THE HOME OWNER SHALL PREPAY TO THE LANDLORD AN  
19          AMOUNT EQUAL TO ANY TOTAL AMOUNT DECLARED BY THE COURT TO BE  
20          DUE TO THE LANDLORD, AS WELL AS A PRO RATA SHARE OF RENT FOR  
21          EACH DAY FOLLOWING THE COURT'S RULING THAT THE MOBILE HOME  
22          OWNER WILL REMAIN ON THE PREMISES. ALL PREPAYMENTS SHALL BE  
23          PAID BY CERTIFIED CHECK, CASHIER'S CHECK, OR BY WIRE TRANSFER AND  
24          SHALL BE PAID NO LATER THAN 48 HOURS AFTER THE COURT RULING.

25                **SECTION 6.** 38-12-206, Colorado Revised Statutes, is amended  
26                to read:

27                **38-12-206. Home owner meetings - assembly in common**

1     **areas.**            Home owners shall have the right to meet and establish a  
2     homeowners' association. Meetings of home owners or the homeowners'  
3     association relating to mobile home living and affairs in their park  
4     COMMON AREA, community hall, or recreation hall, if such a facility or  
5     similar facility exists, shall not be subject to prohibition by the park  
6     management if the COMMON AREA OR hall is reserved according to the  
7     park rules and such meetings are held at reasonable hours and when the  
8     facility is not otherwise in use; EXCEPT THAT NO SUCH MEETINGS SHALL  
9     BE HELD IN THE STREETS OR THOROUGHFARES OF THE MOBILE HOME  
10    PARK.

11                             
12                     **SECTION 7. 38-12-208 (1) (a) and (1) (b), Colorado Revised**  
13                     Statutes, are amended to read:

14                     **38-12-208. Remedies.** (1) (a) Upon granting judgment for  
15                     possession by the landlord in a forcible entry and detainer action, the  
16                     court shall immediately issue a writ of restitution which the landlord  
17                     shall take to the sheriff. IN ADDITION, IF A MONEY JUDGMENT HAS BEEN  
18                     REQUESTED IN THE COMPLAINT AND IF SERVICE WAS ACCOMPLISHED BY  
19                     PERSONAL SERVICE, THE COURT SHALL DETERMINE AND ENTER JUDGMENT  
20                     FOR ANY AMOUNTS DUE TO THE LANDLORD AND SHALL CALCULATE A PRO  
21                     RATA DAILY RENT AMOUNT THAT MUST BE PAID FOR THE HOME TO  
22                     REMAIN IN THE PARK. THE COURT MAY RELY UPON INFORMATION  
23                     PROVIDED BY THE LANDLORD OR THE LANDLORD'S ATTORNEY WHEN  
24                     DETERMINING THE PRO RATA DAILY RENT AMOUNT TO BE PAID BY THE  
25                     HOME OWNER. Upon receipt of the writ of restitution, the sheriff shall  
26                     serve notice in accordance with the requirements of section 13-40-108,  
27                     C.R.S., to the home owner of the court's decision and entry of judgment.

1           (b) The notice of judgment shall state that, at a specified time not  
2           less than forty-eight hours from the entry of judgment IF A TENANCY IS  
3           BEING TERMINATED PURSUANT TO 38-12-203 (1) (f) AND, IN ALL OTHER  
4           INSTANCES, NOT LESS THAN FORTY-EIGHT HOURS FROM THE ENTRY OF  
5           JUDGMENT, WHICH MAY BE EXTENDED TO NOT MORE THAN THIRTY DAYS  
6           AFTER THE ENTRY OF JUDGMENT IF THE HOME OWNER HAS PREPAID BY  
7           CERTIFIED CHECK, CASHIER'S CHECK, OR BY WIRE TRANSFER NO LATER  
8           THAN FORTY-EIGHT HOURS AFTER THE COURT RULING TO THE LANDLORD  
9           AN AMOUNT EQUAL TO ANY TOTAL AMOUNT DECLARED BY THE COURT TO  
10           BE DUE TO THE LANDLORD, AS WELL AS A PRO RATA SHARE OF RENT FOR  
11           EACH DAY FOLLOWING THE COURT'S RULING THAT THE MOBILE HOME  
12           OWNER WILL REMAIN ON THE PREMISES, the sheriff will return to serve a  
13           writ of restitution and superintend the peaceful and orderly removal of  
14           the mobile home under that order of court. The notice of judgment shall  
15           also advise the home owner to prepare the mobile home for removal  
16           from the premises by removing the skirting, disconnecting utilities,  
17           attaching tires, and otherwise making the mobile home safe and ready for  
18           highway travel.

19           **SECTION 8.** 38-12-212.3 (1) (a) (I) and (1) (b), Colorado  
20           Revised Statutes, are amended, and the said 38-12-212.3 (1) is further  
21           amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22           **38-12-212.3. Responsibilities of landlord - acts prohibited.**

23           (1) (a) Except as otherwise provided in this section, a landlord shall be  
24           responsible for and pay the cost of the maintenance and repair of:

25           (I) Any sewer lines, WATER LINES, utility service lines, or related  
26           connections owned and provided by the landlord to the utility pedestal  
27           or pad space for a mobile home sited in the park; and

1 (b) Any landlord who fails to maintain or repair the items  
2 delineated in paragraph (a) of this subsection (1) shall be responsible for  
3 and pay the cost of repairing any damage to a mobile home which results  
4 from such failure. THE LANDLORD SHALL ENSURE THAT ALL PLUMBING  
5 LINES AND CONNECTIONS OWNED AND PROVIDED BY THE LANDLORD TO  
6 THE UTILITY PEDESTAL OR PAD SPACE FOR EACH MOBILE HOME IN THE  
7 MOBILE HOME PARK HAVE PLUMBING THAT CONFORMED TO APPLICABLE  
8 LAW IN EFFECT AT THE TIME THE PLUMBING WAS INSTALLED AND THAT IS  
9 MAINTAINED IN GOOD WORKING ORDER AND RUNNING WATER AND  
10 REASONABLE AMOUNTS OF WATER AT ALL TIMES FURNISHED TO THE  
11 UTILITY PEDESTAL OR PAD SPACE AND SHALL ENSURE THAT EACH PAD  
12 SPACE IS CONNECTED TO A SEWAGE DISPOSAL SYSTEM APPROVED UNDER  
13 APPLICABLE LAW; EXCEPT THAT THESE CONDITIONS NEED NOT BE MET IF:  
14 (I) A MOBILE HOME IS INDIVIDUALLY METERED AND THE TENANT  
15 OCCUPYING THE MOBILE HOME FAILS TO PAY FOR WATER SERVICES;  
16 (II) THE LOCAL GOVERNMENT IN WHICH THE MOBILE HOME PARK  
17 IS SITUATED SHUTS OFF WATER SERVICE TO A MOBILE HOME FOR ANY  
18 REASON;  
19 (III) WEATHER CONDITIONS PRESENT A LIKELIHOOD THAT WATER  
20 PIPES WILL FREEZE, WATER PIPES TO A MOBILE HOME ARE WRAPPED IN  
21 HEATED PIPE TAPE, AND THE UTILITY COMPANY HAS SHUT OFF  
22 ELECTRICAL SERVICE TO A MOBILE HOME FOR ANY REASON OR THE HEAT  
23 TAPE MALFUNCTIONS FOR ANY REASON; OR  
24 (IV) RUNNING WATER IS NOT AVAILABLE FOR ANY OTHER REASON  
25 OUTSIDE THE LANDLORD'S CONTROL.  
26 (c) THE LANDLORD SHALL GIVE A MINIMUM OF TWO DAYS' NOTICE  
27 TO A MOBILE HOME OWNER IF THE WATER SERVICE WILL BE DISRUPTED

1 FOR PLANNED MAINTENANCE. THE LANDLORD SHALL ATTEMPT TO GIVE  
2 A REASONABLE AMOUNT OF NOTICE TO HOME OWNERS IF WATER SERVICE  
3 IS TO BE DISRUPTED FOR ANY OTHER REASONS UNLESS CONDITIONS ARE  
4 SUCH THAT PROVIDING THE NOTICE WOULD RESULT IN PROPERTY  
5 DAMAGE, HEALTH, OR SAFETY CONCERNS OR WHEN CONDITIONS  
6 OTHERWISE REQUIRE EMERGENCY REPAIR.

7 **SECTION 9.** 38-12-217 (1) (a),      and (2), Colorado Revised  
8 Statutes, are amended to read:

9 **38-12-217. Notice of sale of mobile home park - notice of**  
10 **change in use.** (1) (a) The mobile home park owner shall notify the  
11 owners of all mobile homes in the park AND THE MUNICIPALITY IN WHICH  
12 THE PARK IS SITUATED OR, IF NONE, THE COUNTY IN WHICH THE PARK IS  
13 SITUATED of his or her intent to change the use of the land comprising  
14 the park or to sell the park pursuant to paragraph (b) or (c) of this  
15 subsection (1), as applicable.

16          

17 (2) The provisions of paragraph (b) of subsection (1) of this  
18 section shall not apply to the sale of a mobile home park when such sale  
19 occurs between members of an immediate family, related business  
20 entities, members and managers of a limited liability company,  
21 shareholders, officers, and directors in a corporation, trustees and  
22 beneficiaries of a trust, or partners and limited liability partners in a  
23 partnership or limited liability partnership; EXCEPT THAT SUCH  
24 PURCHASERS SHALL NOT CHANGE THE USE OF THE LAND COMPRISING THE  
25 MOBILE HOME PARK WITHOUT COMPLYING WITH THE NOTICE PROVISIONS  
26 OF THIS SECTION. For purposes of this section "immediate family" means  
27 persons related by blood or adoption.

1           **SECTION 10.** 38-12-220, Colorado Revised Statutes, is  
2 amended to read:

3           **38-12-220. Private civil right of action.** Any home owner who  
4 ~~lives~~ OWNS A HOME in a mobile home park where the landlord has  
5 violated any provision of this article shall have a private civil right of  
6 action against the landlord. In any such action, the home owner shall be  
7 entitled to actual economic damages and ~~may be entitled to~~ REASONABLE  
8 attorney fees and costs IF THE HOME OWNER IS SUCCESSFUL IN THE  
9 ACTION.

10           **SECTION 11.** Part 2 of article 12 of title 38, Colorado Revised  
11 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
12 read:

13           **38-12-221. Access by counties and municipalities.**  
14 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON A FINDING  
15 THAT THE UTILITIES IN A PARK CREATE A SIGNIFICANT HEALTH OR SAFETY  
16 DANGER TO PARK RESIDENTS, THE LANDLORD OF A MOBILE HOME PARK  
17 SHALL GRANT COUNTY OR MUNICIPAL OFFICERS OR EMPLOYEES ACCESS  
18 TO THE MOBILE HOME PARK FOR THE PURPOSES OF INVESTIGATING OR  
19 CONDUCTING A STUDY RELATED TO SUCH DANGER.

20           **SECTION 12. Specified effective date.** This act shall take  
21 effect July 1, 2010.

22           **SECTION 13. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.