



Regulation of Mobile Home Parks

By April Bernard

Since 2019, the state legislature has updated the Mobile Home Park Act several times. This *issue brief* provides background on mobile homes and an overview of the Mobile Home Park Act, including recent changes to the law regarding purchasing mobile home parks, evictions, and leases.

Background

A mobile home park is land used for permanent housing that includes five or more mobile homes. The manager operates the park, and the landowner is the person who owns the park. The landowner and manager may be the same person.

State law defines a mobile home as a building on a frame that includes plumbing, heating, electric, and sanitary facilities. The home may be set on a foundation permanently or set in an area on a less permanent basis in a mobile home park or on other land.¹ Manufactured homes are considered mobile homes under federal and state law.²

Leases. Leases must be made in writing and include the length of the lease, the amount of rent to be paid, the rules of the park, and other guidelines.³ The manager and home owner have to sign the lease. Home owners must receive written notice of rent increases 60 days prior to the increase. Rent may be increased once a year by parks actively registered with the Department of Local Affairs (DOLA) that do not owe penalties to the department and have complied with department orders.

State Law

The Mobile Home Park Act⁴ (act) originated in 1973 and outlines the relationship between mobile home park owners and mobile home owners who rent space in parks. The act recognizes that mobile homes provide affordable housing, as well as the need to protect mobile home owners from losing their homes or financial investments. Home owners may file a civil suit for violations related to the act. The court can award economic damages, penalties, and reasonable attorney fees. The Attorney General may start civil and criminal suits to enforce the act and the Mobile Home Park Act Dispute Resolution and Enforcement Program.

Home Owner Purchase of Mobile Home Parks

Notice. When a mobile home park owner takes action to sell the park, notice must be given to home owners living in the park within 14 days. Notice need not be given in the case of transfer of the park to a family member or family trust or eminent domain.

No earlier than 90 days after giving notice to home owners, the landlord must post in a public space information about purchasing the park and home owner rights. A form for home owners to decline participation in purchasing the park must be included. No earlier than 90 days after the posting, if 50 percent of home owners living in the park decline purchase of the park, the option for home owner purchase ends.

¹Section 38-12-201.5 (5), C.R.S.
²24 CFR. § 3280.2

³Section 38-12-213

⁴Section 38-12-200.1, *et seq.*, C.R.S.

Purchase agreement. A group of home owners has 120 days after the landlord mails the first notice to submit to the landlord a purchase agreement and obtain an offer for financing; or submit an assignment of their right to purchase by local, tribal, or state government, housing authority, or nonprofit organization. The landlord must negotiate in good faith and respond within seven days of receiving the offer. Additional time may be given to home owners for specific circumstances outside of their control, if the group files a complaint with DOLA related to the sale, or if the group assigns their right to purchase.

Financing. DOLA administers the Mobile Home Park Resident Empowerment Grant and Loan Program to provide loans to home owners in a mobile home park to purchase and make capital improvements to the park where they live. Grants to nonprofits provide technical assistance to home owners and may ensure long-term affordability for home owners in a resident-owned park.

Violations. Violations of the law may result in a court order to stop or void sales, suspend timelines, and award a penalty of \$20,000 or up to 30 percent of the listing price of the park. DOLA may award additional penalties.

Registration of Mobile Home Parks

DOLA establishes annual registration fees to fund the Dispute Resolution and Enforcement Program. Parks must register within three months of mobile homes or rented space becoming available for rent. The park owner must pay a fee for each mobile home independently owned on rented land within the park. No more than half of the fee may be charged to the home owner.

Dispute Resolution and Enforcement Program

DOLA performs enforcement, dispute resolution, investigation of alleged violations of state laws,

facilitation of negotiations, and imposition of penalties.⁵ The process begins when a mobile home owner or resident files a complaint or DOLA receives evidence of a potential violation.

If DOLA determines that a violation has occurred, the department delivers written notice to both the complainant and respondent. The written notice must include the basis for the determination, the violation, the action required to correct the violation, the timeframe within which that action must occur, any penalties, and the process for contesting the determination. DOLA maintains a database of all parks with complaints filed against them under the Mobile Home Park Act Dispute Resolution and Enforcement Program.

Mobile Home Eviction

A mobile home tenancy may be terminated only for specific cause. Evictions based on grounds such as failure to comply with written rules of the park require the mobile home park owner or manager to provide a 90-day notice and a right to cure the noncompliance within 90 days. A ten-day notice is required for failure to pay rent, engaging in dangerous or willfully destructive conduct, or commission of a crime. The notice must include the reasons for eviction, whether the home owner may correct the problem, and the option for mediation.

If a judge rules in favor of the mobile home park and provides an order requiring the home owner to move his or her home, the home owner must move or sell his or her mobile home and vacate the park within 30 days. A home owner may stay longer, up to 60 days after the ruling, if he or she pays the park owner or manager a pro-rated amount of rent in advance for each day after the expiration of the initial 30-day period. All rent must be paid no later than 30 days after the court ruling.

⁵Section 38-12-1101 et seq., C.R.S.