

Mobile Home Park Oversight Program Annual Report



FISCAL YEAR 2021 – 2022



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Introduction

Pursuant to sections 38-12-1104(2)(g) and 38-12-1109, C.R.S., the Division of Housing (Division) presents this annual report on the Mobile Home Park Oversight Program (MHPOP or Program) for state fiscal year 2021-2022 (July 1, 2021 to June 30, 2022) to the House Transportation and Local Government Committee and the Senate Local Government Committee. A copy of this report is published on the Division's website: <https://cdola.colorado.gov/mobile-home-park-oversight>.

Pursuant to section 38-12-1109, C.R.S., the following information for FY 2021-22 is included in this report:

1. The number of constituents contacted by the Division about the Program;
2. The number of complaints received under the Program;
3. A brief summary of the nature of the complaints received by the Program;
4. The number of complaints resolved by the Program;
5. How the complaints under the Program were resolved;
6. The number of administrative appeals under the Program;
7. A summary of any relevant court decisions relating to the Program; and
8. A summary of results of an annual constituent survey conducted by an independent contractor.

The Division has also included the following information in this report, which is not required by statute but may be of interest to the public:

9. The number of mobile home parks registered with the Program;
10. The number of mobile home parks sold or up for sale in FY 2021-22; and
11. Updates on the Division's administration of, and staffing for, the Program.

Constituents Contacted about the Program

The Division maintains a toll free phone number, an email address and Google Group, and a website for members of the public to ask questions and learn about the program.

- In FY 2021-22, the Division received and addressed approximately **847 phone calls** to the Program's toll-free phone number and staff phone lines, about 100 more phone calls than in FY 2020-21.





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- On June 30, 2022, the Division's Google Groups for communicating with the public about the Program had **1,086 members**,¹ about 300 more members than FY 2020-21.²
- The Division's web pages on the Program had 17,760 Unique Pageviews in FY 2021-22 (a decrease from FY 2020-21).³

Division staff spoke at **seven events** in FY 2021-22 to educate stakeholders about and solicit public feedback on the Mobile Home Park Act (the Act, Part 2 of Article 12 of Title 38 of the Colorado Revised Statutes, or C.R.S.), Dispute Resolution and Enforcement Program (DREP, Part 11 of Article 12 of Title 38, C.R.S.), or Program rules (8 CCR 1302-15). These events drew approximately **240 attendees**, and included a mix of mobile home owners, mobile home park owners and managers, attorneys, housing organizers, city and county officials, and state legislators.⁴ Three of these events were in person, and four events were held virtually and could be joined either by phone or computer. The events included presentations to the Rocky Mountain Home Association and Housing Colorado.

The Division conducted one public rulemaking in FY 2021-22 to clarify and implement the Act and DREP. The Division conducted three virtual stakeholder meetings in August and September 2021, a rulemaking hearing on October 5, 2021, and received 25 public comments (written and verbal) on the proposed regulations.

Number of Complaints Received

The Program received **173 complaints** between July 1, 2021 and June 30, 2022.

Because the Division allows Complainants to submit more than one issue on a single complaint form, a single complaint often included several alleged violations of the Act or DREP. Program staff identified about **488 alleged violations of the Act/DREP** in complaints submitted in FY 2021-22.

In addition to receiving and investigating complaints, the Program opened **192 delinquent mobile home park registration cases**.

¹ This number is based on the number of member email addresses in the Program's Stakeholder and Landlord Google Groups.

² In FY 2021-22, the Division used the Group to share information on: public meetings and trainings; proposed and finalized changes to state statute and Program regulations; park registration information and deadlines; and the annual notice of home owner rights and responsibilities.

³ This website data was collected using Google Analytics, and reflects visits to five out of six of MHPOP's webpages. FY 2021-22 data was not available for one webpage, <https://cdola.colorado.gov/office-of-regulatory-oversight/mobile-home-park-oversight-program/quejas-sobre-el-parque-de-casas>.

⁴ The number of attendees is likely higher than the number of unique attendees, as several attendees participated in multiple Program meetings.





Nature of Complaints Received

Table 1 below includes the numbers and types of the most common alleged violations of the Act or DREP filed in FY 2021-22. To make the complaint process more accessible to people without an attorney, the Division allows mobile home owners and landlords to select general areas of concern on their complaint form, rather than identifying a specific section(s) of the law to make a complaint.⁵ After each complaint is filed, Program staff review the complaint narrative and any accompanying documents and identify the section(s) of the law that the Complainant is alleging the Respondent violated.

As was the case in FY 2020-21, the vast majority of complaints submitted in FY 2021-22 were filed by resident home owners against their park owner or manager.⁶

Table 1: Common Complaint Allegations

Section of Law	Approx. No. of Alleged Violations ⁷	Common Sub-issues or Allegations ⁸	Approx. No. of Alleged Violations
<i>Responsibilities of landlord--acts prohibited (§ 38-12-212.3)</i>	128	Landlord’s responsibility to maintain park-owned water, sewer, and utility lines and connections. ⁹	29
		Landlord’s responsibility to maintain park premises and common areas. ¹⁰	29
		Landlord’s responsibility to maintain trees on park premises. ¹¹	17
		Landlord’s responsibility to maintain roads, lot grades, and other pavement. ¹²	12

⁵ 8 CCR 1302-15, Rule 3.9.

⁶ For a discussion of potential reasons why more complaints are filed with the Program by home owners instead of landlords, see the Program’s FY 2020-21 Annual Report, available at <https://cdola.colorado.gov/mobile-home-park-oversight>.

⁷ The numbers in this table represent the Division’s best estimates as of the writing of this report of the numbers and types of alleged violations of the Act or DREP in complaints received by the Program.

⁸ Only the most common subparagraphs or issues under each section of law have been included in the table. Therefore, the numbers in the fourth column of the table may not add up to the numbers in the second column.

⁹ E.g. C.R.S. § 38-12-212.3(1)(a)(II)-(III).

¹⁰ E.g. C.R.S. § 38-12-212.3(1)(a)(I) and (2)(b)(I).

¹¹ E.g. C.R.S. § 38-12-212.3(2)(b)(IV).

¹² E.g. C.R.S. § 38-12-212.3(2)(b)(II)-(III).





Section of Law	Approx. No. of Alleged Violations	Common Sub-issues or Allegations	Approx. No. of Alleged Violations
<i>Responsibilities of landlord--acts prohibited (§ 38-12-212.3) (continued)</i>		Landlord’s responsibility to notify a resident of the management’s intention to enter a mobile home space at least 48 hours before entry. ¹³	10
<i>Notices, actions, and reasons for terminating a home owner’s tenancy (§§ 38-12-202 through 38-12-205)</i>	65	Home owner received a termination notice that was incorrect or incomplete. ¹⁴	32
		Unlawful reason used to terminate a home owner’s tenancy. ¹⁵	31
<i>Required disclosure and notice of water usage and billing--responsibility for leaks (§ 38-12-212.4)</i>	59	Home owner’s water bill included a prohibited charge. ¹⁶	16
		Monthly water bill missing required disclosure(s). ¹⁷	14
		Annual water billing methodology disclosure not provided to home owners. ¹⁸	14
		Landlord’s methodology for billing home owners for water usage is allegedly inconsistent, unreasonable, or inequitable. ¹⁹	12
<i>Rental agreement--disclosure of terms in writing--prohibited provisions (§ 38-12-213)</i>	49	Landlord allegedly issued a charge that was not included in the home owner’s lease. ²⁰	17
		Landlord allegedly required home owners to sign a new lease, improperly terminating their tenancy. ²¹	14

¹³ C.R.S. § 38-12-222(3).

¹⁴ E.g. C.R.S. §§ 38-12-202(1) and (3), 38-12-204(1), and 38-12-204.3(2).

¹⁵ E.g. C.R.S. § 38-12-203.

¹⁶ E.g. C.R.S. § 38-12-212.4(3).

¹⁷ E.g. C.R.S. § 38-12-212.4(2).

¹⁸ E.g. C.R.S. § 38-12-212.4(1).

¹⁹ C.R.S. § 38-12-212.4(4).

²⁰ C.R.S. § 38-12-213(1)(f).

²¹ C.R.S. §§ 38-12-203 and 38-12-213(4)(a). See “Agency Guidance on Leases in Mobile Home Parks and Manufactured Housing Communities,” Colorado Division of Housing, April 1, 2020, <https://drive.google.com/file/d/1Aond4mjCGsSV1Dnd1eORJ5SGCNWLiKeD/view>.





Section of Law	Approx. No. of Alleged Violations	Common Sub-issues or Allegations	Approx. No. of Alleged Violations
<i>Rental agreement--disclosure of terms in writing--prohibited provisions (§ 38-12-213) (continued)</i>		Home owner does not have a written, signed rental agreement. ²²	10
<i>Park rules and regulations--amendments--notice--complaints (§ 38-12-214)</i>	47	Park's rule or regulation does not meet the requirements in section 38-12-214(1), C.R.S., and cannot be enforced against the home owner.	41
<i>Prohibition on retaliation and harassment (§§ 38-12-212.5 and 38-12-201.5(12))</i>	45	Landlord allegedly took retaliatory action against a home owner through selective enforcement of the park's rules. ²³	14
		Landlord allegedly took retaliatory action against a home owner by serving notices or threatening eviction when the notices or threats were not justified. ²⁴	10
<i>Required notice for and limitations on rent increases (§ 38-12-204)</i>	22	Rent increased without 60 days' advance written notice to the home owner. ²⁵	15
<i>Notice of change of use--notice of sale or closure of park--opportunity for home owners to purchase (§ 38-12-217)</i>	15	Required notice of intent to sell a mobile home park was not provided to home owners, or was missing required information. ²⁶	9

²² E.g. C.R.S. §§ 38-12-213(2) and 38-12-202(1)(a).

²³ C.R.S. § 38-12-201.5(12)(g).

²⁴ C.R.S. § 38-12-201.5(12)(d).

²⁵ C.R.S. § 38-12-204(2).

²⁶ C.R.S. §§ 38-12-217(1)(a)-(b), (2).





Number of Complaints Resolved

In FY 2021-22, the Program worked to resolve both new complaints and remaining open complaints from FY 2020-21. The Program resolved approximately **175 complaints** and **403 alleged violations** of the Act or DREP from the first two fiscal years of the Program. The number of resolved complaints includes 120 complaints from FY 2020-21, and 55 complaints from FY 2021-22.

The Program also resolved **136 delinquent registration cases** from FY 2021-22.

How Complaints Were Resolved

Among the 175 resolved complaints:

- **35 complaints were resolved by the parties** with the help of the Program;
- The Division issued **seven Notices of Violation**, and **five Notices of Non-violation**²⁷;
- The Division closed 66 individual complaints by consolidating them into group complaints²⁸;
- The Division closed 37 complaints that were not within the Program's jurisdiction²⁹;
- 21 complaints were withdrawn by the Complainant³⁰; and
- The Division closed six complaints because the Division could not reach the Complainants.

Among the 55 resolved complaints from FY 2021-22 only:

- **15 complaints were resolved by the parties** with the help of the Program;
- The Division issued **two Notices of Violation**, and **one Notice of Non-violation**;
- The Division closed 20 individual complaints by consolidating them into group complaints;
- The Division closed 10 complaints that were not within the Program's jurisdiction;
- Four complaints were withdrawn by the Complainant; and
- The Division closed two complaints because the Division could not reach the Complainants.

²⁷ In two complaints, the Division issued both a Notice a Violation on one or more allegations in the complaint, and a Notice of Non-violation on one or more other allegations in the complaint.

²⁸ Pursuant to section 38-12-1105(2), C.R.S., the Division may investigate individual complaints that have been filed against the same Respondent(s) and alleged similar or related violations of the Act, DREP, or Program rules as a group complaint.

²⁹ When the Division did not have jurisdiction over a complaint, Program staff provided the Complainant with information on outside legal and other resources to help them with the issue(s) in their complaints.

³⁰ Home owners withdrew complaints for a variety of reasons, including a change in the ownership or management of the park or the home owner no longer living in the park.



Number of Administrative Appeals

There were **four appeals to the Office of Administrative Courts** in FY 2021-22 of Notices of Violation issued by the Program, up from zero appeals in FY 2020-21. Two appeals were settled by the Division and the appealing party, and two appeals are ongoing.

Court Decisions

There were no court decisions involving the Program in FY 2021-22.

Annual Constituent Survey

This section summarizes the results of the Program’s annual constituent survey for FY 2021-22, conducted by an independent contractor. The Division used the same contractor as it did in FY 2020-21, Probolsky Research, to conduct the Program’s annual survey in FY 2021-22. Probolsky Research (“Probolsky”) is a market and opinion research firm with corporate, election, government, and non-profit clients throughout the U.S.; additional information on the firm is available at <https://www.probolskyresearch.com/>.

Methodology

From August 15 to September 28, 2022, Probolsky conducted a survey among Colorado mobile home park residents, landlords, and other interested stakeholders of the Program. Probolsky developed a representative sample of respondents from consumer databases and the Program’s database. Probolsky applied a stratified random sampling methodology to ensure that the demographic proportions of survey respondents match the demographic composition of Colorado mobile home park communities.

The survey included 1,024 interviews primarily conducted with respondents by post mail or online form, with a small number of telephone interviews.³¹ Respondents chose their preferred language, English (94%) or Spanish (6%). Online respondents were able to use their computer, tablet, or smart phone to participate. Probolsky’s survey interface is ADA compliant in order to accommodate participants with disabilities and make sure their experience is as interactive as that of other participants. Security measures precluded individuals from completing the survey more than once.

³¹ Post mail participants were invited by full printed survey (56%), snap pack (41%), and print QR codes (3%). Online participants were invited by direct-to-web (58%) and email (42%).



Respondents

Constituent Group	Respondents (# and %)
Resident – Mobile home owner renting lot space	657 (64.2%)
Resident – Renting a mobile home	37 (3.6%)
Landlord – Mobile home park owner	163 (15.9%)
Landlord – Mobile home park manager	59 (5.7%)
Local government official	61 (6.0%)
Non-profit or other stakeholder group member	47 (4.6%)

Based on the survey, the self-identified ethnic make-up of **mobile home owners** renting lot space in mobile home parks in Colorado is a majority White/Caucasian (55%), with the next largest groups identifying themselves as two or more races (10%), and Latino/Hispanic (7%). A slight majority (51%) of home owners identify as male. Among home owners who responded to the survey, persons age 62 and older represented the largest age group (51%), with the next highest age group being persons age 50-61 (21%). A majority of home owner respondents have a household income between \$20,000-\$49,999 annually and the typical household size is 1-2 people. Most home owner respondents (77%) live in urban areas.³²

The ethnic make-up of mobile home **park owners** who responded to the survey is also a majority White/Caucasian (61%), with the next largest groups identifying themselves as two or more races (10%), and Latino/Hispanic (7%). A majority (51%) of owners are male, and a plurality (47%) of park owners are age 62 and older.

The ethnic make-up of **park managers** who responded to the survey is a plurality White/Caucasian (44%) with the next largest group identifying themselves as two or more races (15%). A plurality (44%) of managers are female, and majority of mobile home park managers are age 50 or older (50%).

³² As defined by the Colorado Department of Local Affairs, Division of Housing’s Locality Classifications Required by HB22-232 effective September 1, 2022.





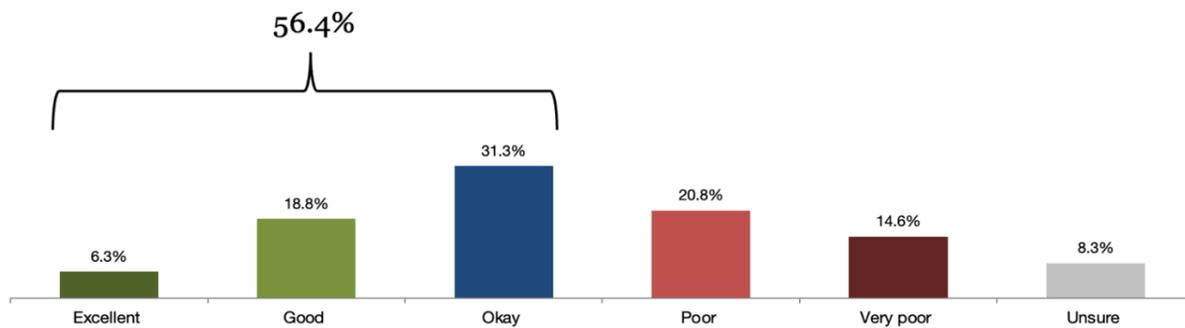
Results

Respondents were surveyed on two areas: their knowledge of and experience with the Mobile Home Park Oversight Program, and their general experience as a resident, owner, or manager of a Colorado mobile home park or local government official or other stakeholder familiar with mobile home parks.

A majority of respondents (56%) from all constituent groups who contacted the Division said that their experience with the Program was positive. Respondents who had a positive experience cited the Program staff's responsiveness, helpfulness, and knowledge as the top reasons that they had a good experience.

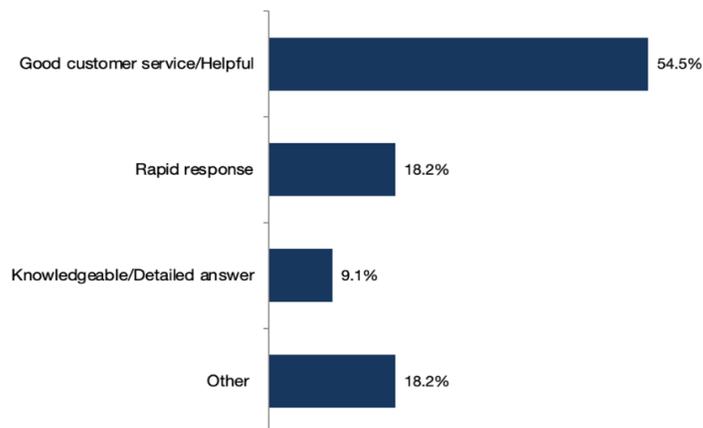
Question: How was your experience when you contacted Colorado's Mobile Home Park Oversight Program?

Among all respondents:



Question: Why would you describe your experience contacting the Mobile Home Park Oversight Program as good?

Among all respondents who contacted the program and said their experience was "Good":

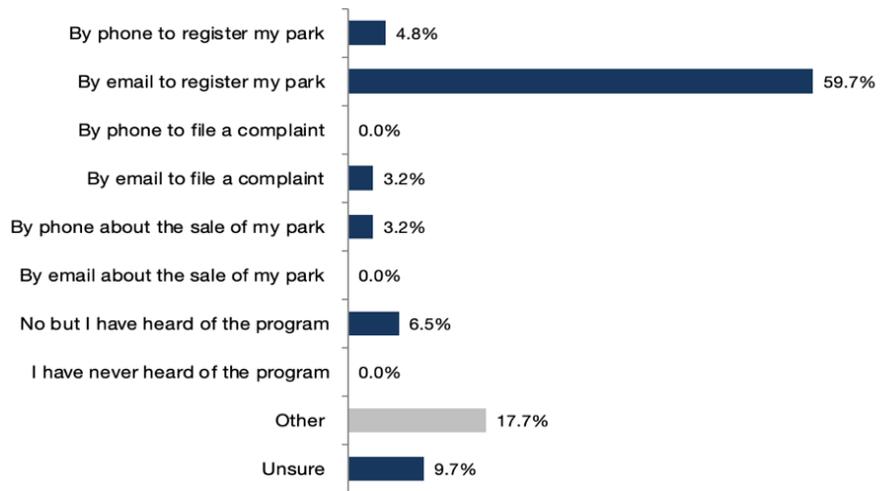




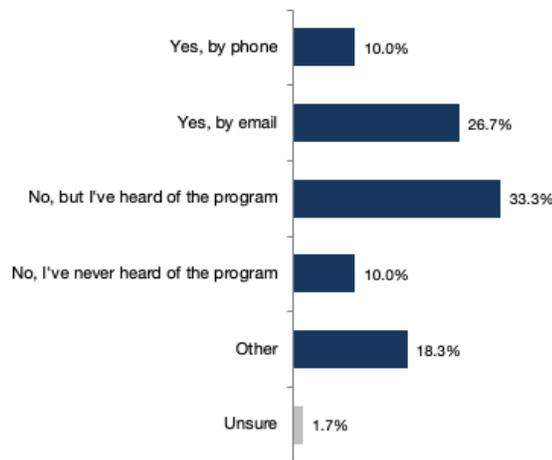
Landlords were most aware of the Program, and the group with the least awareness of the Program were mobile home owners renting lot space. Unfortunately, the majority of home owners surveyed (71%) had not heard of the Program.

Question: Have you ever contacted Colorado’s Mobile Home Park Oversight Program?

Among landlords:

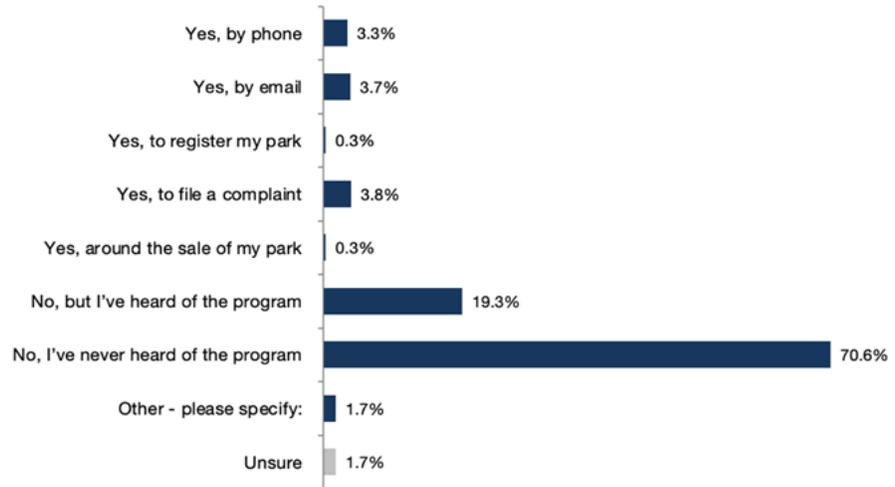


Among local government officials and other stakeholders:





Among mobile home owners:



One of the main ways that House Bill 2019-1309 anticipated home owners would learn about the Program is through landlords posting a required notice – describing home owners’ rights and responsibilities, how to file a complaint, and how to contact the Program – in every common area of the mobile home park. There was a reduction in the percent of home owners who are unsure whether both pages of the required notice are posted in all common areas of their park, from 65% in FY 2020-21 to 56% in FY 2021-22. As of the writing of this report, the Division posted job announcements for two new Compliance Investigator positions for the Program. These new positions are being added, in part, to conduct compliance checks and site visits to verify whether the required notice that informs residents about the Program is posted in all mobile home parks.

A large majority of both mobile home owners (84%) and landlords (80%) say they have written rental agreements or leases. Home owners who do not have a written rental agreement say it is mainly due to never being asked to sign one.

With regard to the maintenance of mobile home parks, the biggest area of concern for home owners is the upkeep of roads and other pavement throughout the park, especially related to potholes and snow damage. The percent of home owners concerned about road conditions in their park increased from 37 percent in FY 2020-21 to 44 percent in FY 2021-22. Home owners said there is a need for improvements in the cleanliness of their parks with that number increasing from 31 percent in FY 2020-21 to 37 percent in FY 2021-22, and highlighted a need for wheelchair access and ramps for residents with disabilities.

Mobile home park landlord’s top areas of concern are the cleanliness of mobile homes (35% - up from 23% in FY 2020-21) and home owners following the rules and regulations of the park (25% - up from 7% in FY 2020-21), with some landlords expressing it is difficult to get residents to maintain their lots.





2022 Park Registrations and Renewals

As of June 2022, there were **731 mobile home parks registered** with the Division. Across all registered parks, there were a total of:

- 57,475 lots;
- 47,725 mobile homes owned and occupied by resident home owners;
- 4,550 occupied mobile homes, owned and rented out by the landlord;
- 2,254 lots with vehicles or structures on them other than mobile homes (ex. recreational vehicles, camper trailers, etc.);
- 2,160 vacant lots;
- 786 lots with vacant mobile homes.³³

Members of the public can look up the names, addresses, and landlord contacts (names only) for registered mobile home parks using the **Park Search Tool** available on the Division's website.³⁴ A list containing the number of lots and homes in each registered park is available on the Resources page of the Program's website.³⁵

In FY 2021-22, there was the same number of **delinquent park registrations – 157** – as there was in FY 2020-21:

- There were 34 park registrations that were not submitted on time in FY 2021-22, a decrease from 71 registrations in FY 2020-21; but
- There were 123 registrations that were late as a result of the registration form or payment being incomplete,³⁶ an increase from 86 in FY 2020-21.

Potential Unregistered Parks

In FY 2021-22, the Program was able to remove about 31 more properties from the Program's list of potentially unregistered mobile home parks. After communications from the Program, the owners of these properties either registered the park with the Division, or confirmed that the property was not required to register under Colorado law.

³³ The Division collects this information through the mobile home park registration form that landlords submit to the Division each year. C.R.S. § 38-12-1106(7), C.R.S.; 8 CCR 1302-15, Rule 2.2.

³⁴ Available at <https://socgov17-site.secure.force.com/ParkSearch/>. To see a list of all registered parks, leave the search fields blank and click "Search."

³⁵ Available at <https://cdola.colorado.gov/mobile-home-park-resources>.

³⁶ Pursuant to 8 CCR 1302-15, Rule 2.3 (effective November 30, 2020), the Division does not accept incomplete registration or registration renewal forms or payments, and may consider incomplete or inaccurate registrations delinquent.



The Division is aware of about 34 remaining properties that may be mobile home parks, but have never registered with the Division. The Program continues to assess penalties and record liens against unregistered parks, as appropriate, to ensure all mobile home parks are registered. In addition, as a result of House Bill 2022-1287: Protections for Mobile Home Park Residents (effective October 1, 2022), a landlord may not increase lot rent if the mobile home park does not have a current, active registration with the Division.³⁷ The Division maintains a list of properties that have never registered with the Division at <https://cdola.colorado.gov/mobile-home-park-oversight-program/rent-increases-in-mobile-home-parks>, under the heading “List of Mobile Home Parks that Likely Cannot Increase Rent.”

Mobile Home Park Sales

Pursuant to section 38-12-217, C.R.S., mobile home park owners who intend to sell or transfer the land comprising a mobile home park generally must provide advance notices to resident home owners of their intent to sell or transfer the park.³⁸ A group or association of home owners or their assignees has a 90-day opportunity after each notice to make an offer to purchase a park.³⁹

Between July 1, 2021 and June 30, 2022:

1. **Two home owner cooperatives** successfully purchased their mobile home park – Cooperativa Nueva Union in Leadville and Westside Mobile Park in Durango – the same number as in FY 2020-21.
2. Park owners **sold 41 parks** to buyers other than a group or association of home owners or their assignees, the same number as in FY 2020-21.

The Division maintains a list of proposed and completed mobile home park sales at <https://cdola.colorado.gov/mobile-home-park-sales>, under the heading “List of Mobile Home Parks for Sale.” Interested parties are encouraged to contact the Program if they have questions about a proposed park sale, or information that a seller has not complied with section 38-12-217, C.R.S.

³⁷ C.R.S. § 38-12-204(4)(a).

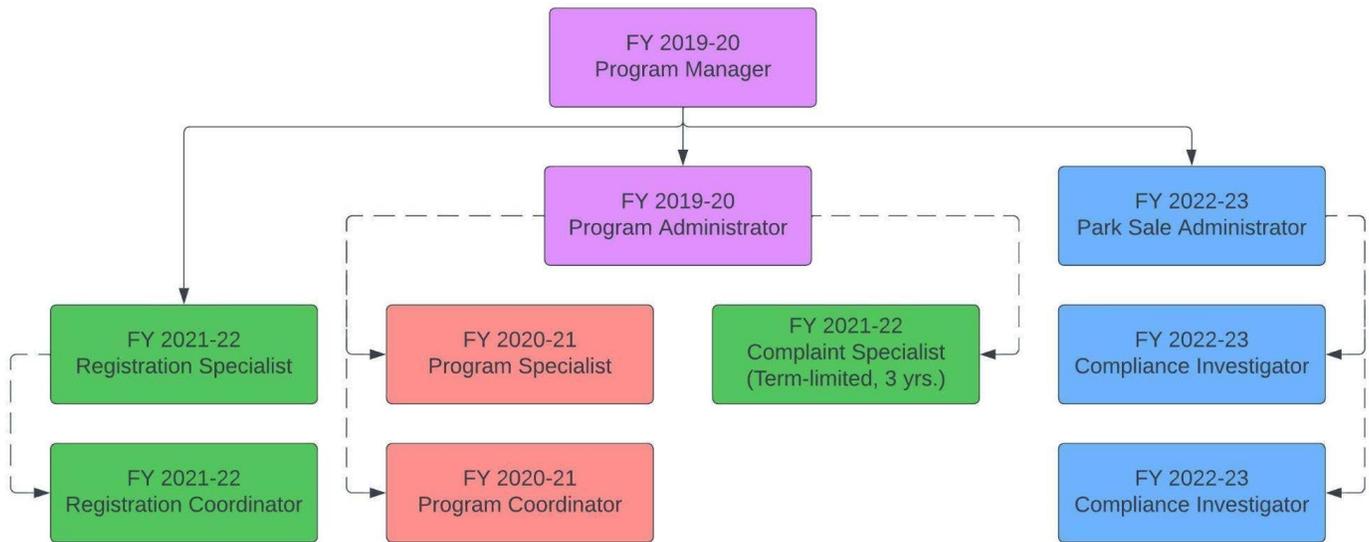
³⁸ A description of sales or transfers that may be exempt from these requirements can be found in sections 38-12-217(12)-(13), C.R.S.

³⁹ House Bill 2022-1287: Protections for Mobile Home Park Residents increased this opportunity to purchase period from 90 to 120 days for sale or transfer notices issued on or after October 1, 2022.



Program Administration and Staffing

The organizational chart below shows the staff positions for the Program by state fiscal year.



In FY 2021-22, the Division added three staff positions to the Program. First, the Division added two dedicated positions for park registration – a Registration Program Specialist and a Registration Program Coordinator. These positions were created to handle the demands of annual park registration and related enforcement, and allow current staff to focus their efforts on improving complaint processing times. Second, the Division added a term-limited Complaint Program Specialist, to help address and resolve outstanding complaints filed in the first two years of the Program.

As of the writing of this report, the Division has also hired a new Park Sale Administrator, to focus on education, complaints, and enforcement related to mobile home park sales and changes in use. The Colorado General Assembly appropriated funding for this position through House Bill 2022-1287: Protections for Mobile Home Park Residents (effective October 1, 2022). As mentioned in the section on the Annual Constituent Survey, the Division is also hiring two Compliance Investigators to monitor landlord compliance with posting the required Notices of Home Owner and Resident Rights and to provide more timely complaint investigation.