ORDINANCE NO. 2083

AN ORDINANCE AMENDING CHAPTER 17-42 OF THE BROOMFIELD MUNICIPAL CODE TO ADOPT ADDITIONAL REGULATIONS RELATING TO MOBILE HOME COMMUNITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. Title 17 of the Broomfield Municipal Code is amended to read as follows by the addition of the following sections:

17-42-460 Limitation on Prohibiting the Sales of Mobile Homes.

(a) No person, including without limitation a park owner, shall prohibit the sale of a mobile home or require an owner of a mobile home within a mobile home park to remove a mobile home from the park at the time such mobile home is sold provided that the purchaser shall enter into and be bound by the rental agreement of the park owner.

(b) Any purchaser of a mobile home sold by a resident may become a resident of the mobile home park provided the purchaser meets the entry requirements for the mobile home park that are applied by the park owner equally to all purchasers and prospective residents so long as such requirements are not in violation of Federal or State law and have previously been provided to the resident. If the park owner denies approval to a purchaser, the park owner shall, in writing, state the reason for such disapproval. Such statement shall be delivered to the resident and the purchaser within ten days after the park owner receives the completed application of the purchaser or prospective resident. Failure to deliver such notification within ten days shall be deemed to be approval.

17-42-470 Limitation on Required Upgrades to Existing Mobile Home.

No person, including without limitation a park owner, shall require a resident to make improvements to a mobile home provided, however, that the term "improvement" does not include maintenance, repair and upkeep associated with ensuring that the mobile home's exterior condition complies with the park's rules and regulations, if the home owner agreed to abide by such rules and regulations as part of a rental agreement, and the rental agreement and rules and regulations are not in conflict with Federal or State law.

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17-42-480 Trees.

Trees in mobile home parks are the responsibility of the park owners. No park owner or their agent shall require a resident to bear the expense of maintenance of trees in a mobile home park.

17-42-490 Utilities.

In January of each year, park owners shall send notice to each resident who leases a mobile home or a space for a mobile home in the park that sets out the manner in which the park owner will bill each resident for any utilities provided to resident by the park owner, including water, sewer natural gas, electricity, telephone, internet, trash or recycling service. The notice shall state whether the utility service is metered for each individual residential space or apportioned among all residential spaces by the park owner. If utilities are not metered, the notice shall state how gross charges by each utility will be apportioned among residents in terms of a percentage of the gross charges, and any administrative charges or fees to be assessed in addition to the utility charges. Any utility charge shall not exceed the rate or amount agreed to in the lease between the park owner and the resident. The notice shall also show which utilities must be contracted for directly by a resident.

17-42-500 Right to Privacy.

(a) Purpose. The purpose of this section is to establish expectations related to the right to privacy of mobile home park tenants from improper intrusions by landlords, park owners and their agents.

(b) Park owners and their agents shall respect the privacy of homeowners and mobile home park tenants residing in their communities, and shall have no right of entry to a mobile home, without the prior written consent of the homeowner or resident, except in the case of emergency or when the mobile home has been abandoned. Such consent may be revoked in writing by the homeowner/occupant at any time.

(c) Unless otherwise prohibited by law, park owners and their agents shall have a right of entry upon the land upon which the mobile home is situated for the maintenance of utilities, to insure compliance with applicable codes, statutes, ordinances, administrative rules, and the rental agreement and the rules of the community, and protection of the mobile home park at any reasonable time or in an emergency, but not in a manner or at a time which would interfere with the resident’s quiet enjoyment.

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(d) Park owners and their agents shall make a reasonable effort to notify the resident of their intention of entry upon the land upon which a mobile home is situated, at least 48 hours prior to entry.

17-42-510 Retaliation Prohibited.

(a) Protected Actions: Every resident shall have the rights described in this section. A park owner shall not take any retaliatory actions against a resident for any of the following actions:

1. The resident has expressed an intention to complain or has complained to a governmental agency about conditions in the manufactured housing community;
2. The resident has made any complaint in good faith to the park owner;
3. The resident has filed or expressed an intention to file a lawsuit or administrative action against the park owner;
4. The resident has expressed an intent to organize or has organized or is a member of an association of residents; or
5. The resident has performed or expressed intent to perform any other act for the purpose of asserting, protecting, or invoking the protection of any right secured to residents under any Federal, State, or local law.

(b) A park owner or an agent of a park owner shall not take any of the following actions in response to any protected actions described in this section:

1. Increase a resident's rent or decrease the services that a resident receives;
2. Alter or refuse to renew an existing rental agreement, impose a fee, change community rules, enforce community rules in an unreasonable or non-uniform manner; or
3. Bring or threaten to bring any legal action, including, but not limited to an action for eviction.

(c) Any attempt to evict a resident, except for nonpayment of rent, within six months after the resident has taken any action identified in subsection (a) above, shall create a rebuttable presumption that the eviction action is in retaliation against the resident.

(d) Residents shall have the right to meet and establish a resident association. Meetings of residents or resident associations relating to mobile home living and affairs in their park or for social or educational purposes, including without limitation forums for or speeches by public officials or candidates for public office in their common area, community hall, or recreation hall, if such a facility or similar facility exists, shall not be subject to prohibition by the landlord or operator if the common area or hall is reserved and used in compliance with the park rules and such meetings are held at reasonable hours and when the facility is not otherwise in use.

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(e) No park owner shall harass or threaten any resident association or engage in any unfair or deceptive conduct. Park owners and their agents shall not prohibit resident associations from publishing and distributing information about their association meetings and shall not discourage residents from belonging to a resident association.

17-42-520 Mediation.

(a) Prior to bringing any action or complaint to enforce any provision of this Chapter, park owners and residents shall participate in mediation by an independent third party. The parties shall agree to submit any dispute to mediation before any action for eviction is commenced.

(b) Failure of either party to participate in mediation, after proper notice has been served, will create a presumption that the party that offered to mediate shall prevail.

(c) Notice of mediation shall be considered served upon a resident when it has been served personally on the resident at his or her place of residence, or by posting the notice in a conspicuous place on the home and mailing the notice by first class mail to the resident. Notice to the park owner shall be considered served by delivery to any agent of the park owner during regular office hours at the office in the mobile home park.

(d) Mediation shall commence within ten days of service of notice, unless the parties agree to an alternative start date.

(e) The notice shall state the reasons for the mediation, including reference to the provision in this Chapter under which the dispute arises. The notice shall also include the name and contact information of the person issuing the notice.

(f) The notice shall also contain the name and address of the mediation service where the mediation shall take place.

(g) The cost of mediation shall be borne equally by both parties.

17-42-530 Private civil right of action

Any person claiming to be injured by a violation of 17-42-460 through 17-42-520 shall have a private civil right of action against the park owner or its agents in any court of competent jurisdiction. In any such action, the person shall be entitled to actual economic damages and reasonable attorney fees and costs from the park owner or its agents if the person prevails.

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17-42-540 State and Federal Law

Park owners are required to comply with Colorado and Federal law, including the Fair Housing Act.

Section 2. This ordinance shall be effective 7 days after publication following final passage.

INTRODUCED AND APPROVED after first reading on November 13, 2018, and ordered published in full.

INTRODUCED A SECOND TIME and approved on December 4, 2018, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD, COLORADO

Mayor

ATTEST:

City and County Clerk

APPROVED AS TO FORM:

City and County Attorney

First Publication: November 18, 2018
Second Publication: December 9, 2018

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