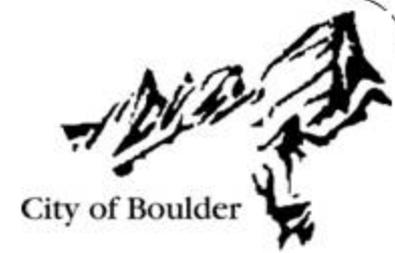


Ordinance 8043

The Mobile Home Ordinance

July 28, 2015

Tonight's Purpose



- To consider on third reading ordinance 8043 limiting the ability of mobile home park owners to prohibit the sale of pre-1976 mobile homes.
- There are four versions of the ordinance that have been submitted to the council.

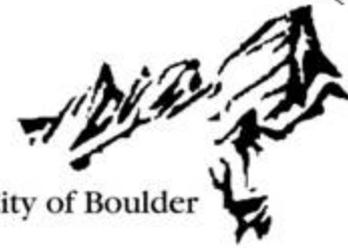
Versions



- Attachment A as passed on Second Reading
- Attachment B as proposed by Council Member Morzel
- A version prepared by Brad Olsen, attorney for Vista Village
- A version prepared by Christian Hendrickson, attorney for Rocky Mountain Home Association.

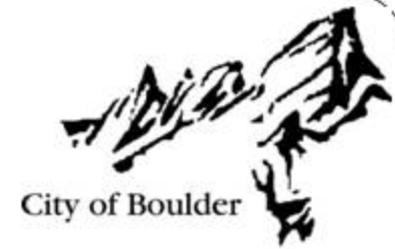
Attachment A

City of Boulder



- Prohibits a park owner from requiring removal of a home, if the home met a national standard at time of construction or passed an inspection within six months.
- Includes a process for the homeowner to request a statement by the park owner about whether the park owner intends to prohibit sale.
- Includes both administrative (\$2000) and criminal penalties.
- Park owner has the burden of showing that the home was not “safe and sanitary”
- Does not include a provision limiting the park owner’s power to require repairs (10-12-26).

Attachment B



- Eliminates a requirement that the new owner be bound by park rules and replaces it with a requirement the new owner comply with the Colorado Mobile Home Park Act.
- Limits park owner's right to reject new owner to good cause, which is defined. Rejection must be done in writing within ten days.
- Requires an inspection. If it passes, it is eligible for resale
- Adds back 10-12-26 limiting the ability of park owners to require upgrades

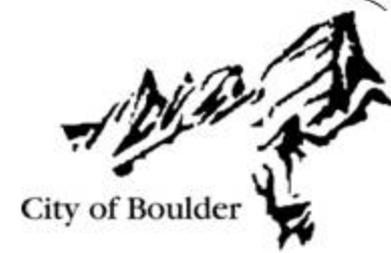
Brad Olsen Version

City of Boulder



- Eliminates Safe and Sanitary requirement and replaces it with a disclosure requirement.
- The home owner has an absolute right to sell as long as the buyer agrees to be bound by a rental agreement and abide by park rules.
- The seller is required to provide the buyer with a copy of an inspection report.
- Does not include 10-12-26
- Allows for attorneys' fees for the prevailing party. Under attachment A, only the plaintiff could get attorneys' fees.

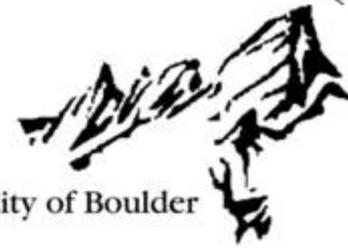
Christian Hendrickson Version



- Also includes an absolute right to sell
- Requires an inspection of any pre-1976 home and disclosure of that inspection to the buyer.
- Eliminates the right of the park owner to object.
- Does not include 10-12-26
- Allows for attorneys' fees for the prevailing party
- Reduces the civil penalty to \$500

Questions for Council

City of Boulder



- Should the right to sell be conditioned on the home passing an inspection?
- Should the ordinance require just disclosure rather than passing?
- Should the ordinance include section 10-12-26?
- Should the ordinance require the buyer to comply with park rules?
- Should the only the plaintiff get attorneys' fees?
- What is the appropriate amount for a civil penalty?
- Should the ordinance be adopted by emergency?