



Mobile Home Park Sale Affidavit of Compliance

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Instructions

*Effective June 30, 2020, the Colorado General Assembly added [Section 38-12-217](#) to the Colorado Revised Statutes (C.R.S.). With certain exceptions,¹ section 38-12-217 **requires** mobile home park owners intending to sell their mobile home park to:*

1. Provide advance notice to tenant home owners, any homeowners association, the municipality or county where the park is located, and the Colorado Division of Housing (Division) of their intent to sell the park;²
2. Give tenant home owners a 90-day opportunity to to make an offer to purchase a park after each notice;³
3. Negotiate in good faith with any group or association of home owners or their assignees who submits an offer to buy the park;⁴ and
4. Submit this affidavit form to the Division and the municipality or county where the park is located, to demonstrate the park owner's compliance with the requirements in section 38-12-217.⁵

*Please read, initial, and fill in the requested information regarding the park sale below. Email the completed, signed affidavit form to the Division at MHPOP@state.co.us, or mail the form to the address below, within **thirty (30) calendar days**:*

¹ C.R.S. § 38-12-217(12).

² C.R.S. § 38-12-217(1)(a), (2).

³ C.R.S. § 38-12-217(4).

⁴ C.R.S. § 38-12-217(5).

⁵ C.R.S. § 38-12-217(11).





Mobile Home Park Oversight Program
ATTN: Park Sale Affidavit
Colorado Division of Housing
1313 Sherman St. #320
Denver, CO 80203

In addition, submit a copy of this form to the municipality or, if the park is in an unincorporated area, the county, within which the park is located.

Section 1: Contact and Sale Information

Community Name: _____

Registration Number: MHP- _____

Municipality or, if none, county where the park is located: _____

Seller Full Name: _____

Date of Sale (Anticipated Actual): ____/____/20____

Please provide the name and contact information of the buyer. This information will be used by the Division of Housing to update your mobile home park's registration information, and ensure program communications are sent to the new owner.

Buyer Full Name: _____

Buyer Mailing Address (street, unit, city, state, zip): _____

Buyer Phone Number: _____

Buyer Email Address (if any): _____





Section 2: Notice and Opportunity to Purchase (Non-exempt)

Effective June 30, 2020, most mobile home park owners are required to provide tenant home owners with notices and opportunities to make an offer to purchase the park when the park owner intends to sell the property. If this sale or transfer is exempt from the notice requirement pursuant to section 38-12-217(12), C.R.S., please skip to SECTION 3 of this form. If not, please read, initial, and fill in the requested information regarding the park sale below.

- 1. I am over the age of 18 and suffer no legal disabilities. (initial)
2. I have personal knowledge of the facts set forth below. (initial)
3. The park owner's intent to sell the park started on or around / /20 (date). C.R.S. § 38-12-217(1)(a).
4. The park owner provided notice of intent to sell the park pursuant to section 38-12-217(1)(a), C.R.S., to:
a. The owners of all mobile homes in the park on / /20.
b. The municipality or, if none, the county in which the park is situated on / /20.
5. The landlord listed the park for sale on / /20. C.R.S. § 38-12-217(2)(a)(I). 8 CCR 1302-15, Rule 8.1.
a. Not applicable
b. Pursuant to section 38-12-217(2)(b)(I)-(IV), C.R.S., the landlord gave notice that the park was listed for sale on / /20 to:
i. Each home owner in the park, by certified mail.
ii. Each home owner in the park, by posting a copy on the mobile home or at the main point of entry to the lot.
1. Provide approximate posting date, if different from date of certified mailing: / /20.

6 C.R.S. § 38-12-217.





- iii. The municipality or, if none, the county in which the park is situated.
- iv. The Division of Housing.
 - 1. ****NOTE****: If the landlord did not previously provide the required notice to the Division of Housing, the landlord shall provide a copy of the notice that was sent by certified mail to the home owners with this affidavit.
- v. Each Home Owners' Association, Residents' Association, or similar body.
 - 1. Not applicable
- c. The landlord **intended to make a final, unconditional acceptance of an offer** for the sale or transfer of the park on ____/____/20____. C.R.S. § 38-12-217(2)(a)(II).
- d. Pursuant to section 38-12-217(2)(b)(I)-(IV), C.R.S., the landlord gave notice, by certified mail, that they **intended to make a final, unconditional acceptance of an offer** for sale or transfer of the park on ____/____/20____ to:
 - i. Each home owner in the park.
 - ii. Each home owner in the park, by posting a copy on the mobile home or at the main point of entry to the lot.
 - 1. Provide approximate posting date, if different from date of certified mailing: ____/____/20____.
 - iii. The municipality or, if none, the county in which the park is situated.
 - iv. The Division of Housing.
 - 1. ****NOTE****: If the landlord did not previously provide the required notice to the Division of Housing, the landlord shall provide a copy of the notice that was sent by certified mail to the home owners with this affidavit.
 - v. Each Home Owners' Association, Residents' Association, or similar body.
 - 1. Not applicable
- 6. Pursuant to section 38-12-217(1)(c), C.R.S., the park owner affirms that they did **not** post information in a public space in the mobile home park describing how to decline the





opportunity to purchase until **at least thirty (30) days** after giving the notice required by sections 38-12-217(1) or (2), C.R.S. _____ (initial)

7. Pursuant to section 38-12-217(1)(d), C.R.S., the park owner affirms that:
 - a. The park owner did **not** solicit or request a home owner’s intention nor a signed writing related to the opportunity to purchase **during the initial thirty (30) days** after giving the notice required by sections 38-12-217(1) or (2), C.R.S. _____ (initial)
 - b. The park owner did **not** attempt to coerce or provide any financial or in-kind incentives to a home owner to influence the home owner’s decision, **at any time** during the opportunity to purchase period. _____ (initial)

8. Did the park owner receive signed writings from **at least fifty (50) percent** of home owners who reside in the park expressing **no** interest in purchasing the park, pursuant to section 38-12-217(1)(c), C.R.S.?
 - a. No. _____ (initial)
 - b. Yes, on ____/____/20____ (date). _____ (initial)

9. Did the landlord receive an offer(s) to purchase from a group or association of home owners or their assignees?
 - a. No. _____ (initial)
 - b. Yes, **1st offer** on ____/____/20____ (date). _____ (initial) If yes, please answer the following questions about the landlord’s duty to consider an offer to purchase pursuant to section 38-12-217(5)(a)-(c), C.R.S.:
 - i. *In the table below, (1) list any documents, data, and other information requested by the group or association of home owners or their assignees participating in the opportunity to purchase, (2) whether the landlord provided the requested information to the group, and (3) if no, the landlord’s reason for not providing the requested information⁷:*

(1) Information requested	(2) Provided to home owners?	(3) If not provided, why not?

⁷ C.R.S. § 38-12-217(5)(a).





ii. Did the landlord meet, by phone, video or in person, with the group or association of home owner or their assignees to discuss their offer?⁸

1. Yes, on ____/____/20____ (date). ____ (initial)

2. No. ____ (initial) If no, please explain why the landlord did not meet with the group to discuss the offer?

iii. Please explain why the landlord decided not to accept the offer to purchase from the group or association of home owners or their assignees?

iv. The landlord affirms that they did **not unreasonably refuse to negotiate in good faith** with a group or association of home owners or their assignees.

____ (initial)

v. The landlord affirms that they did **not unreasonably refuse to schedule a closing date** for a purchase and sale agreement. ____ (initial)

c. On what date did the landlord make a final, unconditional acceptance of an offer for the sale or transfer of the park? ____/____/20____

⁸ C.R.S. § 38-12-217(5)(b).





If the landlord received more than one offer to purchase the park from a group or association of home owners, fill out APPENDIX A with information on the additional offer(s).

Section 3: Exemption from Notice Requirement

A landlord is not required to give notice or extend an opportunity to purchase to a group or association of home owners or their assignees if the sale, transfer, or conveyance of the mobile home park is to certain related family members or business entities.⁹ If the landlord's sale was exempt from the notice and opportunity to purchase requirements, please fill out the questions below.

10. Was this sale or transfer exempt from the notice and opportunity to purchase requirements pursuant to section 38-12-217(12), C.R.S.?

- a. No. _____ (initial) **Skip to SECTION 4: SIGNATURE.**
- b. Yes. _____ (initial) *Complete questions 11 - 13 below.*

11. The sale, transfer, or conveyance of the mobile home park was made to (initial selected response):

- a. The landlord's spouse or partner in a civil union.¹⁰ _____ (initial)
- b. The landlord's parent, sibling, aunt, uncle, first cousin, or legally recognized child.¹¹ _____ (initial)
- c. A trust, the beneficiaries of which are the spouse, partner in a civil union, or legally recognized children of the landlord.¹² _____ (initial)
- d. A business entity or trust that the transferring business entity or trust **owns entirely** as a subsidiary.¹³ _____ (initial)
- e. A business entity or trust that the transferring business entity or trust **owns a majority interest** in.¹⁴ _____ (initial)

⁹ C.R.S. § 38-12-217(12).

¹⁰ C.R.S. § 38-12-217(12)(a).

¹¹ C.R.S. § 38-12-217(12)(a).

¹² C.R.S. § 38-12-217(12)(b).

¹³ C.R.S. § 38-12-217(12)(c)(II)(A).

¹⁴ C.R.S. § 38-12-217(12)(c)(II)(B).





- f. A business entity or trust that the transferring business entity or trust owns as large an ownership interest in as any other owner, with a minimum ownership interest of twenty-five (25) percent.¹⁵ _____ (initial)
- g. A family member who is included within the line of intestate succession if the landlord dies intestate.¹⁶ _____ (initial)
- h. Between joint tenants or tenants in common.¹⁷ _____ (initial)
- i. Pursuant to eminent domain.¹⁸ _____ (initial)

12. Briefly explain the reason(s) the landlord sold, transferred, or conveyed the mobile home park?

13. Pursuant to section 38-12-217(13), C.R.S., the landlord affirms that they did not make the sale, transfer, or conveyance for the primary purpose of avoiding the opportunity-to-purchase provisions set forth in section 38-12-217, C.R.S. _____ (initial)

Section 4: Signature

I declare that, to the best of my knowledge and belief, the information provided on this form is true, correct and complete.

Executed this _____ day of _____, 20_____.

Signature of Seller: _____

Printed Name of Seller: _____

¹⁵ C.R.S. § 38-12-217(12)(c)(II)(C).
¹⁶ C.R.S. § 38-12-217(12)(d).
¹⁷ C.R.S. § 38-12-217(12)(e).
¹⁸ C.R.S. § 38-12-217(12)(f).





Appendix A

Information on Additional Home Owner Offers

If the landlord received more than one offer to purchase the park from a group or association of home owners, please provide information on any additional offers below.

- a. **2nd offer** on ____/____/20____ (date). ____ (initial) If yes, please answer the following questions about the landlord’s duty to consider an offer to purchase pursuant to section 38-12-217(5)(a)-(c), C.R.S.:

- i. *In the table below, (1) list any documents, data, and other information requested by the group or association of home owners or their assignees participating in the opportunity to purchase, (2) whether the landlord provided the requested information to the group, and (3) if no, the landlord’s reason for not providing the requested information¹⁹:*

(1) Information requested	(2) Provided to home owners?	(3) If not provided, why not?

- ii. Did the landlord meet with the group or association of home owner or their assignees to discuss their offer?²⁰

1. Yes, on ____/____/20____ (date). ____ (initial)
2. No. ____ (initial) If no, please explain why the landlord did not meet with the group to discuss the offer?

¹⁹ C.R.S. § 38-12-217(5)(a).

²⁰ C.R.S. § 38-12-217(5)(b).





iii. Please explain why the landlord decided not to accept the offer to purchase from the group or association of home owners or their assignees?

iv. The landlord affirms that they did **not unreasonably refuse to negotiate in good faith** with a group or association of home owners or their assignees. _____ (initial)

v. The landlord affirms that they did **not unreasonably refuse to schedule a closing date** for a purchase and sale agreement. _____ (initial)

b. **3rd offer** on ____/____/20____ (date). _____ (initial) If yes, please answer the following questions about the landlord’s duty to consider an offer to purchase pursuant to section 38-12-217(5)(a)-(c), C.R.S.:

i. *In the table below, (1) list any documents, data, and other information requested by the group or association of home owners or their assignees participating in the opportunity to purchase, (2) whether the landlord provided the requested information to the group, and (3) if no, the landlord’s reason for not providing the requested information²¹:*

(1) Information requested	(2) Provided to home owners?	(3) If not provided, why not?

²¹ C.R.S. § 38-12-217(5)(a).





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- ii. Did the landlord meet with the group or association of home owner or their assignees to discuss their offer?²²
 1. Yes, on ____/____/20____ (date). ____ (initial)
 2. No. ____ (initial) If no, please explain why the landlord did not meet with the group to discuss the offer?

- iii. Please explain why the landlord decided not to accept the offer to purchase from the group or association of home owners or their assignees?

- iv. The landlord affirms that they did **not unreasonably refuse to negotiate in good faith** with a group or association of home owners or their assignees. ____ (initial)
- v. The landlord affirms that they did **not unreasonably refuse to schedule a closing date** for a purchase and sale agreement. ____ (initial)

²² C.R.S. § 38-12-217(5)(b).

