



AGENDA ITEM SUMMARY

City Council

STAFF

JC Ward, Neighborhood Programs Manager
Leo Escalante, Neighborhood Liaison
Caryn Champine, PDT Director
Brad Yatabe, Senior Assistant City Attorney

SUBJECT

First Reading of Ordinance No. 166, 2023, Amending Chapters 18 and 26 of the Code of the City of Fort Collins Regarding Mobile Home Park Management and Livability.

EXECUTIVE SUMMARY

The purpose of this item is to present Municipal Code updates related to the livability issues identified by residents, property managers, and owners of manufactured housing communities/mobile home parks in our community. This item also addresses analysis of unmet needs in the State of Colorado Mobile Home Park Oversight Program.

Staff's recommendation includes the following Code changes:

- Expansion of authorization to conduct inspections in mobile home parks to include not only the Building Official, but also Specially Commissioned Officers under the Chief of Police.
- Establishment of protection for use and installation of clotheslines by residents in mobile home parks in Section 18-6(g).
- Establishment of protection for use and installation of window-mounted air conditioning units or evaporative coolers on homes within mobile home parks in Section 18-6(h).
- Establishment of new water utility billing/rebilling transparency requirements for Fort Collins Utility mobile home park water customers including:
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer directly provide a designated Specially Commissioned Officer, or authorize such Officer to obtain, a copy of any notice, correspondence, invoice, and water leak notice from the water utility within seven days of receipt in Section 18-7(c).
 - Require as a condition of mobile home park service from the City's water utility that a mobile home park customer participates in the continuous consumption water usage/leak notification system through Fort Collins Utilities in Section 18-7(c).
 - Authorize the City's water utility in serving a mobile home park to provide the designated Specially Commissioned Officer a copy of any notice, correspondence, invoice, and water leak notice sent to the mobile home park in Section 18-7(c). Add a cross-reference to these changes to Section 26-97 (water utility lines; general regulations).

-
- Acknowledge, as a condition of service, the designated Specially Commissioned Officer may exercise the power to audit and collaborate with the City's water utility to verify and maintain accuracy of water rebilling by the mobile home park.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

Purpose and Intent

The goal of the amendments to Municipal Code regarding Mobile Home Management and Livability is to help create a safe and equitable environment for mobile home park ("MHP") residents in Fort Collins and advance Council and community priorities related to mobile home park residents' rights and neighborhood livability.

The City of Fort Collins is home to approximately 1,400 housing units in ten mobile home parks, also known in land use planning as "manufactured housing communities." One of the most affordable housing options in Fort Collins, mobile homes offer opportunities for purchasing or renting a single-family unit situated on privately-owned land. Because each housing unit is on property that is not usually owned by residents of the unit, these communities have a unique combination of neighborhood livability concerns and issues not addressed by the City's existing single-family or multi-family services. Livability standards enforced by City Code Compliance and Environmental Compliance have been handled differently in manufactured housing communities than in other neighborhoods throughout the City because of concerns with legal right-of-entry to inspect from private streets within the parks.

Residents of mobile home parks in Fort Collins may experience additional barriers to engagement with the City not seen with residents of other single-family neighborhoods. Mobile home parks in Fort Collins do not typically have Homeowners' Associations or Neighborhood Associations and are home to populations identified by the Communications & Public Involvement Office as "hard-to-reach" for public engagement, such as senior citizens, low English proficiency speakers, and low-income residents. The combined impact of unique issues associated with mobile home park livability and decreased efficacy of traditional public engagement strategies for residents creates a need for more diverse engagement opportunities to connect residents with City and community resources. Since 2019, a cross-departmental Residents' Rights Team began work to build relationships with mobile home park residents, owners, and managers; identify and address livability concerns; protect residents from retaliation and abuse; create consistent local investigation and enforcement processes for alleged Nuisance Code violations; promote the Colorado Mobile Home Park Oversight Program; and assist residents with community organizing.

MHP residents across Fort Collins and the Growth Management Area identified these specific priority livability issues to guide the Residents' Rights Team's work:

- Housing instability / fear of community closure
- Utility billing transparency (specifically water rebilling)
- Maintenance responsibilities (trees, amenity-upkeep, snow)
- Retaliation / harassment
- Frequent rent increases
- Evictions
- Safety (vehicle speeds, lighting)
- Restriction on home sales
- Availability of management
- Language equity
- Frequent rule changes

- Infrastructure conditions

Review of current Municipal Code, Nuisance and Building Code compliance processes, as well as public engagement activities revealed additional gaps in enforcement and a need to update and strengthen some Municipal Code provisions.

Additionally, Colorado Mobile Home Park Act Oversight legislation enacted in 2019 and updated in 2020 and 2022 combined with the 2020 Mobile Home Park Residents Opportunity to Purchase, create and strengthen resident protections statewide. Outreach to residents, managers, and MHP owners on changes at the state level and access to local resources is ongoing.

City Policy Alignment

Enhancement of quality of life in neighborhoods and equitable access to City services and resources are well-supported by City core values, policies, and strategic outcomes. Additionally, City Council has identified manufactured housing preservation and protection of residents' rights as priorities. The Municipal Code amendments advance City efforts to enhance livability in manufactured housing communities as part of the moratorium on manufactured housing community redevelopment implemented in August 2019.

The following City Plan and Strategic Plan policies and objectives align with these proposed Code changes:

- *City Plan: Policy LIV 6.4 – Permanent Supply of Affordable Housing*
Create and maintain an up-to-date inventory of affordable housing in the community. Pursue policy and regulatory changes that will encourage the rehabilitation and retention of affordable housing in perpetuity.
- *City Plan: Policy LIV 6.9 – Prevent Displacement*
Build the capacity of homeowner groups, affordable housing providers and support organizations to enable the purchase, rehabilitation and long-term management of affordable housing. Particular emphasis should be given to mobile home parks located in infill and redevelopment areas.
- *City Plan: Policy LIV 7.4 – Equity Considerations*
Include considerations for equity in decision-making processes across the City organization to ensure that the benefits and/or burdens of City actions or investments are shared fairly and do not disproportionately affect a particular group or geographic location over others.
- *Strategic Plan: Neighborhood Livability & Social Health Objective 1.1*
Increase housing supply and choice and address inequities in housing to ensure that everyone has healthy, stable housing they can afford.
- *Strategic Plan: Neighborhood Livability & Social Health Objective 1.5*
Enhance the quality of life and sense of belonging in neighborhoods by connecting neighbors to City services, building community, and fostering harmonious relationships.
- *Strategic Plan: Neighborhood Livability & Social Health Objective 1.8*
Preserve and enhance mobile home parks as a source of affordable housing and create a safe and equitable environment for residents.

Summary of Proposed Code Updates:

The primary elements of the of proposed City Code changes (highlighted text) include:

1. Propose as an amendment to City Code Section 18-2 to harmonize the definition of “Building Official” to be consistent with that term’s appearance in other sections of the City Code; and to define “Specially commissioned officer” to refer to officers specially commissioned under City Code Section 2-503(b)(2) to enforce provision of the City Code.
 - This change updates the definition of “Building Official” and more clearly indicates the right to entry and proactive inspection for Nuisance Code compliance in mobile home parks by Code inspectors from all departments across the City who serve as specially commissioned officers under the Chief of Police. Previous Code language could be interpreted as restricting access and authorization for access to mobile home park property to the Chief Building Official or the Building Services team. This proposed change would decrease inconsistent application of inspection and enforcement standards across all neighborhood types in the city and include mobile home parks in proactive inspection rotations.
2. Propose as an amendment to City Code Section 18-4(c) Right of Entry from “Building Official” to “Building Official or specially commissioned officer” for all instances in this subsection.
 - The expansion of authority in right of entry onto mobile home park property to include “specially commissioned officer” as well as the “Building Official” more clearly indicates the right to entry and proactive inspection for Code compliance in mobile home parks by Code inspectors from all departments across the City who are specially commissioned by the Police Chief to enforce provisions of the City Code. This change aligns with the rationale stated above for changes to Sec. 18-2.
3. Propose as an addition to City Code Section 18-6(g)

“No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of clothes lines in mobile home parks.”

 - The proposed addition improves neighborhood livability and affordability in mobile home parks and supports City climate goals in this response to an identified issue with bans on clothes lines in some mobile home parks in Fort Collins. Current Code language (Sec. 12-122) that protects the installation and use of clothes lines in backyards excludes mobile home park lots from this protection, as they have no “backyard”.
4. Propose as an addition to City Code Section 18-6(h)

“No person shall create, cause to be created, enforce or seek to enforce any provision contained in any restrictive covenant which has the effect of prohibiting the installation or use of window-mounted air conditioning units or evaporative coolers in mobile home parks.”

 - The proposed addition improves affordability in mobile home parks and livability in individual units by protecting options for whole house cooling. This change supports City climate, energy efficiency, and indoor air quality goals in this response to an identified issue with bans on window-mounted air conditioning units and evaporative (“swamp”) coolers in some mobile home parks in Fort Collins. Energy usage for evaporative coolers is much lower than central air conditioning for mobile homes in this region. Window-mounted air conditioning units provide a lower cost way to cool homes or add a cooling option to homes without any air conditioning. These units also filter air entering the home, making them excellent alternatives to opening windows for relief from high indoor temperatures during adverse air quality conditions.
5. Propose as an addition to City Code Section 18-7(c) a reference specially commissioned officers’ authority to intervene in utility rebilling activities, based on access to information from the Fort Collins Utilities’ water utility under administrative rules of service.

“Transparency in water use, billing, and leak mitigation efforts. Based on utility rebilling information obtained from the Fort Collins Utilities’ water utility, a specially commissioned officer designated by the Community Development and Neighborhood Services Director may notify a mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle.

As a condition of water utility service from Fort Collins Utilities, every mobile home park shall provide the designated specially commissioned officer with or authorize such officer to obtain any notice, correspondence or invoice from the water utility that documents the total volume of water consumed by the mobile home park during the previous billing period, the cost billed by the water utility to the mobile home park during the previous billing period and any notice of potential leak in the water supply within the mobile home park.

- (1) Mobile home parks shall disclose such notices, correspondence, or invoices from the water utility to the designated specially commissioned officer within fourteen (14) days of the date of the notices, correspondence, or invoices, or seven (7) days after receipt, whichever is earlier. When the mobile home park customer does not directly provide such information within this timeline, the water utility shall be authorized to share such information with the designated specially commissioned officer.
 - (2) Mobile home parks and the water utility may redact sensitive personal identifying information and financial institution account information from such notices, correspondence, or invoices prior to disclosure to the designated specially commissioned officer.
 - (3) As a condition of mobile home park service, mobile home parks that are water customers of Fort Collins Utilities are required to participate in any available continuous consumption water usage/leak notification system through Fort Collins Utilities.
 - (4) Fort Collins Utilities may provide the designated specially commissioned officer all notices, correspondence or invoices provided to a mobile home park upon request, excepting redaction under above subsection-(c)(2).
 - (5) The designated specially commissioned officer may notify the mobile home park of any billing discrepancies and may provide thirty (30) days for the mobile home park to correct any overcharge or billing discrepancy. Any overcharge must be credited to the resident in the next billing cycle.”
- The addition of this Code subsection and administrative policy target is improved auditing and communication functions related to accuracy of rebilling for water by the mobile home park by allowing access to non-financial water billing data, leak notices, and correspondence from both the water utility provider and mobile home park owner by City staff outside of Fort Collins Utilities, limited to the Community Development and Neighborhood Services Director and/or their duly authorized representative.
 - If, through the auditing process, a water rebilling discrepancy from the mobile home park to the residents or suspected failure of the mobile home park to notify residents of leaks in the park’s private water infrastructure are discovered or suspected, enforcement would be turned over to the Colorado Mobile Home Park Oversight Program (“MHPOP”). Beginning July 1, 2024, local government entities and staff can file complaints related to the Colorado Mobile Home Park Oversight Act.
 - The intent of this addition to the Code is to quickly review and resolve water rebilling and leak notification complaints at the local level where information and tools are already available. Faster resolution benefits residents, who may be overcharged for water for months before the state’s MHPOP begins investigation of their complaint, conservation of potable water by identifying and addressing leaks, and all mobile home parks in Fort Collins by filtering out unfounded complaints to MHPOP.

6. Propose as an addition to City Code Section 26-97, a reference to these additional water utility rules and regulations now found in Section 18-7(c).

Water Rebilling and Customer Service

Because the mobile home park is the water utility customer, residents of MHPs and City staff outside of Fort Collins Utilities are not currently allowed to review water bills from water utility providers for the mobile home park due to customer privacy policies. Customer service staff for Utilities are also not allowed to discuss the mobile home park's bill with residents when they call with questions or concerns about the amount of their water bill (as it is rebilled from the MHP and not directly billed from the water utility provider). Due to the potential staff time, associated costs for the service, and lack of access to private water rebilling records, staff has determined that it is unduly burdensome for water utility providers to take on auditing functions of residents' rebilled water charges. Water utility providers also lack an enforcement mechanism in the event that a discrepancy was discovered in the MHP water rebilling. The Mobile Home Park Residents' Rights Team in CDNS has regular contact with residents, receives frequent documentation from residents of their water bills from the park owner, and closely follows changes to the state's mobile home park laws and administrative processes putting that team in a position to effectively carry out the auditing functions for water rebilling.

Leak Notices/Continuous Consumption of Water

A similar issue exists with continuous consumption notices from water utility providers. Currently these notices, which indicate water leaks, are a voluntary opt-in program for mobile home parks. Because the residents are not the water utility customer, they do not receive these notices from the water utility although they ultimately pay the cost for excess water lost to leaks in the park's private water infrastructure.

Statute requires MHPs to notify all residents and homeowners of water leaks in the system within 24 hours of their receipt of a leak notice and bans MHPs from charging residents for the cost of water lost to leaks in their infrastructure. This resident protection can only be implemented upon notice from the water utility to the MHP. Because only the mobile home park receives leak notices, the residents currently have no practical way to know if there is a violation of this protection, which would trigger enforcement measures. The Utilities Water Conservation Team lacks enforcement mechanisms in the event that continuous consumption of water is occurring in a mobile home park for which residents are being rebilled.

Continuous consumption of water due to leaks in private MHP infrastructure impacts the City's water conservation goals and ultimately all Utilities rate payers. Mobile home park owners currently have no financial incentive to detect or repair leaks (and may actually be incentivized not to participate in water conservation programs like leak notices since notice of the issue shifts the cost from residents to the mobile home park owner).

Proposed Solution

The City's Mobile Home Park Residents' Rights Team is familiar with the state-level protections and enforcement options related to inaccurate, retaliatory, and/or non-compliant water rebilling. This Team also has been working relationships with mobile home park managers and residents, an interest in the affordability impacts of inaccurate water rebilling and unrepaired leaks, and a commitment to serve as a central hub for local MHP resident issues, but currently lacks the tools to address one of the most common complaints from MHP residents by verifying the accuracy of water rebilling.

The proposed Code changes would require the City's water utility and mobile home park owner to disclose redacted invoices/bills, correspondence, and notices to a designated Specially Commissioned Officer, who participates in the Mobile Home Park Residents' Rights Team. Requiring these redacted disclosures still provides customer privacy protections for the water utility customer while also giving CDNS staff adequate information to investigate resident claims of inaccurate water rebilling and charges for water infrastructure leaks.

Currently, the only remedy available to residents with claims of water rebilling inaccuracy or unrepaired water infrastructure leaks is to file a complaint with the state's Mobile Home Park Oversight Program ("MHPOP"). Complaints filed with MHPOP typically take several months to a year to investigate and often require subpoenas for water utility communications to facilitate their investigation. During the MHPOP investigation, MHP residents continue to pay for water costs, even those ultimately determined to be inaccurate. Equipping the local MHP Residents' Rights Team with the tools to investigate water rebilling complaints will resolve the issues much faster and potentially cost residents less.

CITY FINANCIAL IMPACTS

Adoption of these Code changes will not have a significant impact on City resources.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

Not applicable.

PUBLIC OUTREACH

Targeted outreach was conducted with managers, owners, and residents of the City's existing manufactured housing communities, as well as consultation with local partner organizations who provide information and services to manufactured housing residents. A survey was conducted and marketed to MHP residents and community partner organizations. Finally, proposed Code changes were posted to <https://www.fcgov.com/neighborhoodservices/mobile-home-park-communities> webpage in the months leading up to the First Reading and included options for stakeholders to submit comments, questions, and feedback.

ATTACHMENTS

1. Ordinance for Consideration
2. Summary of Proposed Municipal Code Changes in English and Español