

HOUSE COMMITTEE OF REFERENCE REPORT

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Chair of Committee

February 25, 2025  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB25-1123 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 4 and 5 and substitute
- 2 **"38-33.3-124. Mandatory mediation - legislative declaration -**
- 3 **purpose - definitions. (1) THE GENERAL".**
  
- 4 Page 2, strike lines 23 through 25.
  
- 5 Reletter succeeding paragraphs accordingly.
  
- 6 Page 3, strike lines 10 through 13 and substitute:
  
- 7       "(3) A DISPUTE BETWEEN A UNIT OWNER AND A UNIT OWNERS'
- 8 ASSOCIATION MUST UNDERGO MEDIATION PRIOR TO THE COMMENCEMENT
- 9 OF A LAWSUIT OR, IF APPLICABLE, ARBITRATION."
  
- 10 Page 3, line 15, strike "EITHER PARTY MAY" and substitute "THE UNIT
- 11 OWNERS' ASSOCIATION MUST".
  
- 12 Page 3, lines 16 and 17, strike "OTHER PARTY TO THE DISPUTE
- 13 REQUESTING INTERNAL DISPUTE RESOLUTION." and substitute "UNIT
- 14 OWNER REQUESTING RESOLUTION."
  
- 15 Page 3, line 20, strike "IS REQUIRED TO" and substitute "MUST".
  
- 16 Page 3, line 21, strike "AND".
  
- 17 Page 3, strike lines 22 and 23 and substitute:
  
- 18       "(III) A COPY OF THIS SECTION; AND

1 (IV) A PROPOSED DATE, TIME, AND LOCATION FOR AN INFORMAL  
2 MEETING TO DISCUSS A POSSIBLE RESOLUTION OF THE DISPUTE."

3 Page 3, line 25, strike "DELIVERY, FIRST-CLASS".

4 Page 3, strike lines 26 and 27.

5 Page 4, strike lines 1 through 27 and substitute "SERVICE PURSUANT TO  
6 THE COLORADO RULES OF CIVIL PROCEDURE."

7 Page 5, strike lines 1 through 13 and substitute:

8 "(c) (I) ALL COMMUNICATIONS DURING THE INFORMAL MEETING  
9 DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION ARE CONFIDENTIAL AND  
10 PROTECTED COMMUNICATIONS CONSISTENT WITH RULE 408 OF THE  
11 COLORADO RULES OF EVIDENCE AND SECTION 13-22-307.

12 (II) IF RESOLUTION CANNOT BE REACHED DURING THE INFORMAL  
13 MEETING DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION, THE PARTIES  
14 MUST AGREE ON A DATE AND LOCATION FOR MEDIATION AND THE  
15 IDENTITY OF THE MEDIATOR WITHIN FOURTEEN DAYS AFTER THE INFORMAL  
16 MEETING.

17 (III) MEDIATION MUST TAKE PLACE WITHIN THIRTY DAYS AFTER  
18 THE INFORMAL MEETING."

19 Page 5, line 14, strike "(d)" and substitute "(5)(a)".

20 Reletter succeeding paragraphs accordingly.

21 Page 5, line 18, strike "PROCEED".

22 Page 5, strike line 19 and substitute "INITIATE LITIGATION OR, IF  
23 APPLICABLE, DEMAND ARBITRATION."

24 Page 5, strike lines 20 through 27 and substitute:

25 "(II) IF MEDIATION IS UNSUCCESSFUL, THE MEDIATOR MUST SIGN  
26 A MEDIATION CERTIFICATE STATING THAT THE PARTIES ATTENDED A  
27 MEDIATION CONFERENCE ON THE DATE IDENTIFIED ON THE CERTIFICATE  
28 BUT WERE UNABLE TO REACH A RESOLUTION OR THAT ONE OR MORE  
29 PARTIES DID NOT ATTEND THE MEDIATION CONFERENCE."

30 Page 6, strike lines 1 through 7 and substitute:

31 "(III) THE PARTY FILING A COMPLAINT OR DEMANDING  
32 ARBITRATION MUST INCLUDE A COPY OF THE MEDIATION CERTIFICATE

1 WITH THE COMPLAINT OR DEMAND FOR ARBITRATION.

2 (IV) IF THE PARTY FILING THE COMPLAINT OR DEMAND FOR  
3 ARBITRATION FAILS TO ATTACH A COPY OF THE MEDIATION CERTIFICATE,  
4 THE COURT, ARBITRATOR, OR ARBITRATION PANEL MUST DISMISS THE CASE  
5 WITHOUT PREJUDICE."

6 Page 6, line 22, strike "OR".

7 Page 6, line 24, strike "ARBITRATION." and substitute "ARBITRATION; OR".

8 Page 6, after line 24, insert:

9 "(e) A DISPUTE IN WHICH THE INITIAL COMPLAINT SEEKS ONLY THE  
10 COLLECTION OF PAST-DUE ASSESSMENTS CLAIMED BY AN ASSOCIATION  
11 AGAINST A UNIT OWNER."

12 Page 6, strike lines 26 and 27 and substitute "PROVIDE A COPY OF THIS  
13 SECTION AND A COPY OF THE UNIT OWNERS' ASSOCIATION'S WRITTEN  
14 POLICIES REGARDING DISPUTE RESOLUTION TO EACH OF ITS UNIT  
15 OWNERS."

16 Page 7, strike lines 1 through 4 and insert:

17 "(8) THE STATUTE OF LIMITATIONS APPLICABLE TO A CLAIM,  
18 CROSS-CLAIM, OR COUNTERCLAIM THAT IS THE SUBJECT MATTER OF  
19 MEDIATION IS TOLLED FOR THE PERIOD OF THE MEDIATION, WITH THE  
20 TOLLING PERIOD BEGINNING ON THE DATE THE WRITTEN REQUEST FOR  
21 RESOLUTION IS RECEIVED BY THE UNIT OWNER, PURSUANT TO SUBSECTION  
22 (4) OF THIS SECTION, AND ENDING SEVEN DAYS AFTER THE MEDIATOR  
23 SIGNS THE MEDIATION CERTIFICATE.

24 (9) A UNIT OWNERS' ASSOCIATION MUST UPDATE THE  
25 ASSOCIATION'S WRITTEN POLICIES TO COMPLY WITH REQUIREMENTS OF  
26 THIS SECTION AND PROVIDE A COPY OF THE UPDATED WRITTEN POLICY TO  
27 ITS UNIT OWNERS WITHIN FOURTEEN DAYS AFTER UPDATING THE WRITTEN  
28 POLICIES."

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