

CHAPTER 161

PROPERTY

SENATE BILL 98-151

BY SENATORS Phillips, Thiebaut, Linkhart, Matsunaka, Rupert, Schroeder, and Tebedo;
also REPRESENTATIVE Kaufman.

AN ACT

CONCERNING MEDIATION OF CONTROVERSIES BETWEEN UNIT OWNERS' ASSOCIATIONS AND UNIT OWNERS UNDER THE "COLORADO COMMON INTEREST OWNERSHIP ACT".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Part 1 of article 33.3 of title 38, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

38-33.3-124. Mediation - when required. (1) ANY CONTROVERSY BETWEEN AN ASSOCIATION AND A UNIT OWNER ARISING OUT OF THE PROVISIONS OF THIS ARTICLE MAY BE SUBMITTED TO MEDIATION BY EITHER PARTY TO THE CONTROVERSY PRIOR TO THE COMMENCEMENT OF ANY LEGAL PROCEEDING.

(2) THE MEDIATION AGREEMENT, IF ONE IS REACHED, MAY BE PRESENTED TO THE COURT AS A STIPULATION. EITHER PARTY TO THE MEDIATION MAY TERMINATE THE MEDIATION PROCESS WITHOUT PREJUDICE.

(3) IF EITHER PARTY SUBSEQUENTLY VIOLATES THE STIPULATION, THE OTHER PARTY MAY APPLY IMMEDIATELY TO THE COURT FOR RELIEF.

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1998, and shall apply to controversies arising on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 21, 1998

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.