SENSOR 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