

C.R.S. 38-33.3-124

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) ***

TITLE 38. PROPERTY - REAL AND PERSONAL
REAL PROPERTY
ARTICLE 33.3. COLORADO COMMON INTEREST OWNERSHIP ACT
PART 1. GENERAL PROVISIONS

C.R.S. 38-33.3-124 (2013)

38-33.3-124. Legislative declaration - alternative dispute resolution encouraged - policy statement required

(1) (a) (I) The general assembly finds and declares that the cost, complexity, and delay inherent in court proceedings make litigation a particularly inefficient means of resolving neighborhood disputes. Therefore, common interest communities are encouraged to adopt protocols that make use of mediation or arbitration as alternatives to, or preconditions upon, the filing of a complaint between a unit owner and association in situations that do not involve an imminent threat to the peace, health, or safety of the community.

(II) The general assembly hereby specifically endorses and encourages associations, unit owners, managers, declarants, and all other parties to disputes arising under this article to agree to make use of all available public or private resources for alternative dispute resolution, including, without limitation, the resources offered by the office of dispute resolution within the Colorado judicial branch through its web site.

(b) On or before January 1, 2007, each association shall adopt a written policy setting forth its procedure for addressing disputes arising between the association and unit owners. The association shall make a copy of this policy available to unit owners upon request.

(2) (a) Any controversy between an association and a unit owner arising out of the provisions of this article may be submitted to mediation by agreement of the parties prior to the commencement of any legal proceeding.

(b) 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.


(c) If either party subsequently violates the stipulation, the other party may apply immediately to the court for relief.

(3) The declaration, bylaws, or rules of the association may specify situations in which disputes shall be resolved by binding arbitration under the uniform arbitration act, part 2 of article 22 of title 13, C.R.S., or by another means of alternative dispute resolution under the "Dispute Resolution Act", part 3 of article 22 of title 13, C.R.S.

HISTORY: Source: L. 98: Entire section added, p. 471, § 1, effective July 1. L. 2005: Entire section amended, p. 1377, § 6, effective January 1, 2006. L. 2006: (1) amended, p. 1218, § 5, effective May 26. L. 2008: Entire section amended, p. 557, § 3, effective July 1.

RECENT ANNOTATIONS

This section is consistent with an associations power to pursue "litigation" under § 38-33.3-302 (1)(d). Triple Crown at Observatory Vill. Assn v. Vill. Homes of Colo., Inc., 2013 COA 150M, -- P.3d -- [published December 5, 2013].

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